

Public Board Meeting
of the Civilian Complaint Review Board
Wednesday, August 13, 2014
10:21 a.m.
100 Church Street, 10th Floor
New York, New York 10007

RICHARD D. EMERY, ESQ., 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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1 BOARD MEMBERS PRESENT WERE:

2 Richard D. Emery, Esq., Chair

3 Bishop Mitchell G. Taylor

4 Tracy Catapano-Fox, Esq.

5 Toscano J. Simonetti

6 Joseph A. Puma

7 Youngik Yoon, Esq.

8 Alphonzo Grant, Jr., Esq.

9 Jules A. Martin, Esq.

10 David G. Liston, Esq.

11 Rudolph Landin, Esq.

12 James Donlon, Esq.

13 Dr. Mohammed Khalid

14 Daniel M. Gitner, Esq.

15 Janette Cortes-Gomez, Esq.

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1 CHAIR RICHARD D. EMERY: Good morning. Let's
2 get everybody seated and let's call the order, the
3 August Board Meeting of the Civilian Complaint
4 Review Board and start with adoption of the minutes.
5 I guess we have the minutes in our folder. You know
6 what, let's hold off on the adoption of the minutes
7 because I haven't had the chance to review these
8 minutes from last -- are these the minutes from the
9 July meeting or from the special meeting?

10 MS. TRACY CATAPANO-FOX: July.

11 CHAIR EMERY: From the July meeting. Let's hold
12 off on that for a minute because I'd like to give
13 people a chance to look at them before we vote on
14 that, all right? Good.

15 And then we're starting with a report from the
16 Chair. I guess that would not be the new business.
17 But let me report on a few things and then we'll get
18 to new business with some interesting developments,
19 I think.

20 The main report I want to give at this point is
21 that we have created subcommittees consistent with
22 our discussions at last week's special meeting. And
23 these subcommittees are made up of a chair from the
24 board, some Board Members and some staff members.
25 And they are a refinement of prior existing

1 subcommittees that will address some of the
2 initiatives that we talked about in the last meeting
3 hopefully coming up with specific policies, rule
4 changes and initiatives to implement these ideas.

5 And the subcommittees are as follows -- and
6 we're trying to keep these subcommittees on a
7 relatively tight schedule where they have deadlines
8 for themselves that they will set for themselves and
9 be approved by me and the executive director. And
10 we'll facilitate this process so it moves quickly
11 because I really am anxious to make the changes that
12 we are looking forward to and hopefully can make.
13 As within a couple of months, I'm really aiming for
14 a couple of months to have policies in place that
15 are going to dramatically change the way a lot of
16 aspects of this agency that work is handled.

17 So the first committee is the Mediation
18 Committee and that committee is going to be chaired
19 by Jules Martin, and the members will be Janette
20 Cortes-Gomez and Jim Donlon from the Board, and Lisa
21 Cohen and Rosemarie Espinal will be the staff people
22 who will be working on that committee. Is that
23 satisfactory to everyone? Are you okay with that
24 committee? Everybody's agreed? I hope I haven't
25 drafted people without their consent, but now's the

1 time to speak up if you don't want to do it.

2 MS. JANETTE CORTES-GOMEZ: Well, I don't think
3 there's a problem per say with ours, with the
4 Mediation. But if it's okay with Jules, I would
5 love to run this group.

6 CHAIR EMERY: If Jules wants to defer --

7 MR. JULES A. MARTIN: I'm a soldier. I'll
8 defer. Let me just say that Janette and Jim and I
9 have worked together for quite some time so I know
10 her skill set. She's extremely smart and she knows
11 the subject matter.

12 CHAIR EMERY: Good.

13 MR. MARTIN: And I would be happy to be a part
14 of the committee and I would work just as hard as if
15 I was the head.

16 CHAIR EMERY: I really appreciate your stepping
17 up and saying that you'd like to do that. That's
18 great. Thanks a lot. Great.

19 MS. CORTES-GOMEZ: Absolutely. Thank you.

20 MR. JAMES DONLON: I'll join in what Jules said.
21 I think that's a good idea.

22 CHAIR EMERY: Well, you were just a soldier
23 anyway. But thanks, Jim.

24 (Laughter.)

25 MR. TOSCANO J. SIMONETTI: Mr. Chairman, I may

1 be ahead of you a little bit, but in looking at the
2 members on each of the committees, I don't think we
3 have one from each of the three classifications that
4 we come from; in other words, police representative,
5 City Council, and mayoral. I think on some of
6 these, and I could be wrong, but I think they
7 have --

8 CHAIR EMERY: You're right.

9 MR. SIMONETTI: Was that done on purpose?

10 CHAIR EMERY: No. It wasn't done on purpose.
11 This was done -- these committees were selected by
12 people who either volunteered or because we thought
13 that they would be good and we asked them. And I do
14 think that for these purposes, for development of
15 policy and rules, we don't need to have the usual
16 composition of Panels. We just are doing this by
17 availability, by inclination and by volunteerism.
18 And everything in this that comes out of this is
19 going to be a subject for each board member to
20 comment on before anything is implemented. Nothing
21 is going to happen here until everybody gets a
22 chance to either go along with it or object or
23 refine or be constructive about it. So I think in
24 that vein, in that spirit, we don't need to
25 reconstruct them consistent with the way the Panels

1 are constructed. If that's all right, Tony.

2 MR. SIMONETTI: Yes.

3 MS. CATAPANO-FOX: And Tony, in totality, all of
4 the board members are on a subcommittee. Some are
5 on more than one. But the entire Board is
6 constituting the makeup of the committees.

7 CHAIR EMERY: So the second is the Complaint
8 Priority Intake and the subcommittee chair is Al
9 Grant. Members are Tony Simonetti and Bishop Taylor
10 from the Board. Staff members are Jayne Cifuni, Jon
11 Darche, Marcos Soler, Denis McCormick and Roger
12 Smith, all of whom are very much in the -- this is a
13 very important committee and it seems to me there is
14 a lot of subtlety to that process. And I think it's
15 going to take -- and by the way, for these committee
16 meetings I really don't think everybody has to be
17 there. I want to move this forward. If somebody
18 can't be there, the chair should move these
19 committees into action. People can participate
20 whether by phone or by Skype or they can follow up
21 with e-mails and learn what was done in the
22 committee and catch up. But I don't want this held
23 up because of scheduling problems. I want to move
24 the process of this. Obviously the end of August is
25 a tough time to get things started, but certainly

1 early September we can have a very lockstep process
2 to get this thing done.

3 What we've called Copstat, that is the
4 evaluation of types of complaints by geography, by
5 nature and by precinct or member by special command
6 or other subcategory of the Police Department. That
7 subcommittee is going to be chaired by Tony
8 Simonetti. The members will be Dave Liston and Joe
9 Puma. And the staff will be Marcos Soler and Denis
10 McCormick.

11 MR. SIMONETTI: Mr. Chair, would we consider
12 another title for that committee?

13 CHAIR EMERY: You know, that's all in play.
14 What do you want to the call it?

15 MR. SIMONETTI: Well, I haven't decided yet but
16 I got a lot of people looking at it for me.

17 CHAIR EMERY: The New York Post didn't like it.

18 MR. SIMONETTI: Excuse me?

19 CHAIR EMERY: The New York Post didn't like it.

20 MR. SIMONETTI: I don't like it because it kind
21 of implies we're looking at negative things about
22 cops.

23 CHAIR EMERY: My view is I'm agnostic on the name
24 as long as it conveys what you're doing.

25 MR. SIMONETTI: And we'll bring it back to the

1 Board.

2 CHAIR EMERY: Sure.

3 The next one is the CCRB Compstat; in other
4 words, the internal evaluation of processes within
5 the CCRB and where resources have to be focused in
6 order to avoid backlog, avoid any roadblocks in the
7 processes of investigations and adjudications. That
8 subcommittee is chaired by Rudy Landin. The members
9 are Dr. Khalid and Dan Gitner and the staff is Brian
10 Connell, Denis McCormick and Laura Edidin.

11 Public Reports, subcommittee already exists, Jim
12 Donlon. Members are Youngik Yoon, Tony Simonetti.
13 Staff is Marcos Soler and Linda Sachs.

14 The Investigations Committee already also exists
15 and they're going to do work on reformulating,
16 redesigning the investigations process and it's
17 going to have a lot of overlap I think with number
18 two, Complaint Priority. And for instance, also, I
19 think Intake and Complaint Priority's going to have
20 a lot of overlap with Opt-out Mediation or Mediation
21 and also probably what we may or may not call
22 Copstat. So there's going to be a lot of overlap.
23 In fact, there may be times when the committee
24 chairs believe that joint meetings should take place
25 depending on how the actual writing of the policies

1 and rule changes are taken into effect.

2 Investigations is the current subcommittee,
3 which is Dan Gitner. Members are Al Grant and David
4 Liston. And the staff is Denis McCormick and Nina
5 Mickens.

6 Outreach Committee is chaired by Bishop Taylor.
7 Members are Joseph Puma and Dr. Khalid. The staff
8 is going to be Carlmais Johnson and Jessica Long.

9 MS. CORTES-GOMEZ: And, Chair, I will speak to
10 Bishop, but if in fact Bishop needs someone in
11 particular, since I'm primarily in the Bronx, to
12 assist with either the Bronx or in general --

13 CHAIR EMERY: Do you want to be on that
14 committee?

15 MS. CORTES-GOMEZ: I would absolutely assist in
16 that as well.

17 CHAIR EMERY: Do you want to be formally on that
18 committee?

19 MS. CORTES-GOMEZ: Yes.

20 CHAIR EMERY: Okay. Let's add you to that
21 committee, Janette. Thank you.

22 MR. MARTIN: If you can turn the page back one,
23 I would also like to be on the Investigations
24 Committee.

25 CHAIR EMERY: Let's do that. Good. Thank you.

1 And then we're going to also create a committee
2 we didn't talk about last time that came out of a
3 conversation that I had with Dan Gitner, which we're
4 going to call a Sanctions Guidelines Committee,
5 where we're going to try and rationalize to the
6 extent possible and even perhaps coordinate with the
7 PD where appropriate, to determine where that may
8 become appropriate what kind of predictions -- we're
9 not going to call it sentencing guidelines because
10 that's not what it is. But I think some sense, Dan,
11 is of where -- what kinds of things deserve what
12 kind of responses from us and especially that also I
13 think will overlap to some degree with what we've
14 called Copstat so far because I think guidelines
15 change in response to conditions and circumstances.
16 So that's going to be a very interesting and
17 difficult, I think, committee but a very rewarding
18 one, I hope, if we can come up with something that
19 gives Panels a sense of how they should operate once
20 they decide there's a substantiation.

21 MR. DANIEL M. GITNER: Right.

22 CHAIR EMERY: That committee will be Dan
23 chairing. Members will be Joseph Puma and Rudy
24 Landin. And the staff will be Tracy and Denise
25 Alvarez.

1 So that's the idea of trying to structure some
2 significant changes. In that regard, I want to
3 follow through -- I didn't ask you this, Tracy --
4 but we had basically all agreed that we're going to
5 have rotating Panels for looking at cases once
6 they've been fully investigated. And what I want to
7 do is refine that a little bit and I think it's the
8 only way it makes sense. I didn't mean to imply
9 that Panels would be random for each case. Panels
10 will be random for each month so that a Panel can
11 sit and talk about a number of cases. But every
12 month there will be a new set of Panels so that
13 those cases assigned to a particular Panel will be
14 handled by a different group that comprises that
15 Panel each month. But the whole set of cases will
16 go to a particular Panel each month. I think that
17 turns out to be just as random as what may have been
18 implied by my harebrained approach initially.

19 MS. CATAPANO-FOX: That's perfect.

20 CHAIR EMERY: The other thing that I think we're
21 going to do very quickly and immediately, and this
22 is more in the nature of an experiment and it goes
23 along with the committee on Investigations and
24 Intake, is Denis and internally with any input from
25 the outside from anybody who wants to try and tell

1 us what they think the best ideas are, they're going
2 to try and reform and redesign the intake form so
3 that intake is described, when a complaint comes in,
4 described in much more detail and categories of
5 alleged misconduct and alleged activity are noted on
6 the intake form and can be checked off as part of
7 the information. This is very important for,
8 ultimately, for data gathering. It's important for
9 evaluating the priorities stuff when we get to that
10 committee. It's important that we get this
11 information.

12 Right now we're not capturing the information
13 that I believe we should be capturing. And there's
14 no reason for a committee to design this in its
15 initial phases. There's a lot that can be done
16 along the lines of the breakdown of various
17 categories of alleged misconduct in the Executive
18 Director's report. We could start with that
19 template and work from there as to all the things
20 that are alleged by a complainant as to the events
21 that led to the complaint.

22 So Denis is going to take a primary role in
23 pushing that, and I think we do this internally at
24 this point with Tracy and Denis and whoever they
25 want to bring into it. It would be great if Roger

1 Smith was in on this as well and whoever else inside
2 is appropriate. Tracy, you can decide that. But it
3 strikes me that we should be changing that quickly.

4 And I, again, emphasize, if people have ideas,
5 Chris and others have ideas, about specifics of what
6 we should be capturing in the initial complaint, I
7 would like to have those so that we begin to
8 redesign this intake form in ways that are helpful
9 to refining what we know about the initial complaint
10 at the earliest possible stage so that evaluation
11 and resources can be devoted appropriately to the
12 complaints that warrant them right from the
13 beginning.

14 Also, that initial complaint, in my view,
15 probably not right now but very shortly when we can
16 figure out where the resources are going to come
17 from, should have a process for describing mediation
18 and scheduling mediation on the first call. Maybe
19 that schedule will hold. Maybe it won't. But we're
20 going to do our darnedest, especially when the
21 police officer is identified, to schedule mediation
22 upfront and have the resources to hold to that
23 schedule so that mediation can be undertaken within
24 literally two or three weeks. And there are ideas
25 about capturing information for mediation that we

1 have, but we'll talk about that separately.

2 So I can also just report that the chokehold --
3 and maybe Tracy will talk about this more -- the
4 chokehold study is in progress. I hope to have it
5 for distribution by the first week in September.
6 And I think prior to that, we should have the video,
7 bystander video, the video discussion -- the report
8 ready for distribution hopefully by the last week of
9 August or thereabout. And Tracy may want to say
10 more about that.

11 I think that's all I have before your report.

12 MS. CATAPANO-FOX: Thank you, Mr. Chair. Good
13 morning, everyone.

14 In July of 2014, the CCRB received 442
15 complaints within its jurisdiction. This is 68
16 fewer complaints than in the same period in 2013
17 when the Agency received 510 complaints. The total
18 intake for the month of July in 2014 was
19 1,218 cases. The Board closed 465 cases in July, a
20 total of 2,907 year-to-date. In the first seven
21 months of this year the Board closed 1,078 full
22 investigations, including 155 substantiated
23 complaints. Year-to-date the substantiation rate is
24 14.4 percent.

25 In July, civilians and officers mediated

1 14 cases. Year-to-date, the Agency has mediated
2 95 cases. In July, the Agency closed 18 cases as
3 mediation attempted and for this year the Board has
4 closed 101 cases as mediation attempted.

5 The numbers for June 2014 were adjusted, as
6 we've reported in the past. We initially reported
7 517 complaints and now we can report 488 complaints.
8 The numbers in total for the year were also adjusted
9 to reflect this. The total number of complaints
10 received from January through June is 2,703, not
11 2,739 as originally reported. And again, the reason
12 for that is that when a complaint comes in
13 initially, we act on the allegations as we see them
14 at that time. Sometimes when a complainant comes in
15 and gives a full statement, we determine that it is
16 not within the agency's jurisdiction, but there are
17 changes reflected in our numbers because of that.

18 The detailed monthly statistical report includes
19 two forms of reporting, as we've been doing for the
20 past few months. The first report on page 8 is the
21 truncation rate and the second report on page 9 is
22 the case resolution rate. And again, the
23 significant difference in those two is that the
24 complaint withdrawn cases are included within the
25 case resolution rate, where as the truncation rate

1 they are separated out. From January through July,
2 the amended truncation rate excluding cases closed
3 as complaint withdrawn, as I said, was 47 percent.
4 Within the same period in 2013, the truncation rate
5 was 57 percent. And from January through July of
6 2014 the case resolution rate was 44 percent whereas
7 for the same period in 2013 the case resolution rate
8 was 33 percent.

9 The Agency's docket at the end of July 31st of
10 2014 was 2,605 cases. This is a 2-percent decrease
11 from June of 2014 when we were at 2,662. Measured
12 by the date the CCRB receives a complaint,
13 94 percent of our open investigations stem from
14 complaints filed within the last year and 66 percent
15 were filed within the last four months. Out of the
16 2,605 five open cases, 548 cases are awaiting Panel
17 review; that's 21 percent of our docket; 1,834 are
18 being investigated, that is 70 percent of our
19 docket; and 223 cases are in the Mediation Unit,
20 which is 9 percent. By date of the incident,
21 12 cases in the CCRB's open docket were 18-months or
22 older. This is .5 percent of our open docket and 1
23 fewer than we had in June of 2014 -- I'm sorry,
24 2013.

25 The breakdown for July of 2014 of the statute of

1 limitations cases is as follows: 5 cases are
2 currently pending Board review. Out of these cases,
3 1 case was previously returned by the Board for
4 further investigation, 1 case was reopened, and 2
5 cases were filed late. The statute of limitation
6 crime exception applies in 3 of these cases. Of the
7 remaining 7 open investigations, the statute of
8 limitations crime exception applies to 6 out of the
9 7, 3 cases are currently on DA hold, 3 cases were
10 filed months after the date of the incident, and 1
11 case was reopened months after it was originally
12 closed.

13 In June of 2014, the NYPD closed 3 substantiated
14 cases involving 4 officers. Of these 4 officers, 1
15 was found guilty and lost 3 vacation days, the
16 Department declined to prosecute 1 case against one
17 officer, and the statute of limitations expired in 1
18 case involving 2 officers.

19 In June, the Department's disciplinary action
20 rate was 25 percent, and year-to-date it's 58.5
21 percent. I'm sorry, in June the rate was -- yeah.

22 In July of 2014, the Board substantiated 12
23 cases with a recommendation of charges and
24 specifications. These cases have been forwarded to
25 the Administrative Prosecution Unit and at the end

1 of July, the open docket for APU was 215 cases. In
2 1 case, the Police Commissioner disapproved a plea
3 agreement and we're awaiting the final disposition
4 on that case; in 25 cases, pleas have been entered
5 and were awaiting final approval by the PC; in 3
6 cases a trial verdict was rendered and is awaiting
7 approval by the Police Commissioner; in 25 cases
8 trials were completed and we're awaiting verdicts
9 from the Deputy Commissioner of Trials; in 9 cases
10 we've had trials commence but not completed; 43
11 trials were scheduled; 29 cases are calendared for
12 court appearances; 44 are awaiting initial court
13 appearance after charges have been served; in 13
14 cases charges have been filed but awaiting service;
15 and 23 cases are awaiting the filing of charges.

16 The Police Commissioner finalized 2 APU pleas in
17 July of 2014. In the first case, the Police
18 Commissioner was consistent with the plea agreement
19 and imposed a forfeiture of 15 vacation days. In
20 the second case, the respondent entered into a plea
21 agreement with APU in which he agreed to plea nolo
22 contendere to their unlawful stop of a person and
23 accept the forfeiture of 5 vacation days but the
24 Police Commissioner disapproved the plea and
25 dismissed the charge against the respondent. The

1 APU statistics also reflected 1 additional plea
2 finalized by the Police Commissioner in June of 2014
3 but was not previously reported. In that case, the
4 Police Commissioner accepted the respondent's plea
5 of guilty but increased the penalty from 8 to 10
6 forfeited vacation days.

7 In July 2014, the Police Commissioner retained
8 1 APU case and declined to take any disciplinary
9 action against the respondent. Last month we
10 reported that the Police Commissioner had retained
11 2 respondent APU cases but we did not report the final
12 determination with regards to the penalty. We now
13 can report that the Police Commissioner had ordered
14 both respondents to receive formalized training from
15 the Department's legal bureau regarding automobile
16 searches.

17 In terms of an update on the studies, the
18 chokehold study is continuing. There are a number
19 of cases that are being reviewed by staff and I have
20 to highly commend our staff for the hard work
21 they're doing. They are virtually reviewing all
22 audio, all statements made, to provide us with a
23 full and complete report to the Chair. We're
24 hoping, as the Chair indicated, to have that by the
25 first week of September, if not, the last week of

1 August. The video bystander report is almost
2 completed. I have to thank Sarah Peterson for the
3 tremendous amount of work that she's done on this to
4 put together an excellent report with regard to the
5 cases we found, and at this point we will have a
6 draft for the Chair's review by the end of the day
7 and we will be able to show it to the Board so the
8 Reports and Recommendations Committee can make its
9 discussions and comments so that we will have
10 something for the Board for certain by the end of
11 this month.

12 CHAIR EMERY: Any comments or thoughts on
13 anything so far in the meeting?

14 (No response.)

15 CHAIR EMERY: Okay.

16 Next, committee reports. Are there any
17 committee reports? We're redesigning this whole
18 committee process so I understand, if there are
19 none, it makes perfect sense. I think the committee
20 reports section in future meetings is going to be
21 probably a very active portion of our public
22 meetings in the future. But anybody have anything
23 to say about current committees? Yes, Bishop?

24 BISHOP TAYLOR: Does the APU Unit still exist,
25 the committee for APU?

1 CHAIR EMERY: It does. It just wasn't part of
2 the changes; although, I'm about to say something,
3 make a proposal, that I'm hoping the Board will
4 adopt which directly affects APU, although it wasn't
5 subject for the committee.

6 BISHOP TAYLOR: Okay.

7 CHAIR EMERY: But it may be that the committee
8 will have a lot of say in the wake of what we're
9 about to talk about.

10 BISHOP TAYLOR: No, I just didn't see it on the
11 list.

12 CHAIR EMERY: Yes, you're right. It's not on
13 this list. The APU Committee is a standing
14 committee and it remains.

15 BISHOP TAYLOR: Okay, all right.

16 CHAIR EMERY: There's been nothing done by the
17 Board to abolish it or change its composition. So I
18 assume we are standing by the APU Unit.

19 MS. CATAPANO-FOX: These are your subcommittees
20 I think that you wanted to start implementing and
21 you wanted the Board to approve. I think that the
22 committees that existed before such as Operations,
23 APU, the IT Committee, are still in existence and
24 there's been no change.

25 BISHOP TAYLOR: But Outreach is not a

1 subcommittee.

2 MS. CATAPANO-FOX: No, it's a regular committee.

3 BISHOP TAYLOR: Yes, so it's listed as well.

4 CHAIR EMERY: Because there's some new -- I
5 mean, Dr. Khalid and others had very strong ideas
6 about that and so we want to activate that Outreach
7 Committee. But you're right.

8 BISHOP TAYLOR: Just as a point of
9 clarification, subcommittees are committees. You
10 know, that's all.

11 CHAIR EMERY: The terminology, I think, is not
12 that critical here because all of these committees
13 or subcommittees are going to be acting on policy
14 and trying to change the way we are to become more
15 effective.

16 BISHOP TAYLOR: Exactly. Thank you.

17 CHAIR EMERY: Thank you.

18 Well, in that vein, are there any committee
19 reports from the standing committees that have not
20 been discussed as subcommittees prior to earlier in
21 the meeting?

22 (No response.)

23 CHAIR EMERY: Nothing? Okay.

24 DR. KHALID: Mr. Chair, do we have to vote on these
25 committees as a board?

1 CHAIR EMERY: These subcommittees? I think --
2 Well, yes. Let's make a motion to adopt the
3 subcommittee structures that we announced earlier.

4 BISHOP TAYLOR: Point of information, I think
5 that the chair has the authority to appoint
6 committees and there's no need for a vote.

7 CHAIR EMERY: Well, if there's any question
8 about it, I don't want anybody to -- if anybody has
9 any doubts about it, they should express them now.
10 Otherwise, I take it we have a unanimous agreement
11 that these subcommittees should be constituted. And
12 for the record, they are as comprised as previously
13 discussed.

14 MS. CATAPANO-FOX: Mr. Chair, you can have a
15 motion made to create the committees knowing that
16 you have the authority to put on who you wish to on
17 the committees.

18 CHAIR EMERY: I don't think it's necessary at
19 this point -- well, let's do it as a matter of
20 formality. Anybody want to move the subcommittees?

21 MR. GITNER: So moved.

22 MR. DAVID LISTON: I think it's an important
23 power that the chair has and I'm not so sure you
24 want to create a precedent where every time you want
25 to create a committee you have to go to the Board.

1 And I think so long as it's understood that these
2 subcommittees exist but they don't necessarily
3 replace existing standing committees, as we said,
4 to my view that that's well within your
5 discretion.

6 CHAIR EMERY: All right. Let's leave it that
7 way and not do it. I don't want to set a precedence
8 that dilutes my power.

9 MS. CATAPANO-FOX: Mr. Chair, I just want to
10 mention two things. The Chair, we met with the
11 Deputy Commissioner of Trials, Rosemarie Maldonado,
12 myself, the Chief of APU, Laura Edidin, and the
13 Deputy Chief Jon Darche. We met last week with her
14 and her Staff Captain Muglia. It was a very
15 productive meeting and we discussed different ways
16 that we can work to create a more formalized and
17 efficient process within the courtrooms at 1PP.
18 The Chair also met with the executive staff, with
19 the new IG Phil Eure. So we want to
20 discuss that. But we did have a meeting with the IG
21 and his deputy in order to discuss the agency
22 operations, to inform them of the goals of the
23 agency and the direction that we're moving, and I
24 believe that was a very collaborative productive
25 meeting as well.

1 CHAIR EMERY: I think, actually, isn't it, if
2 I'm not mistaken, under Local Law 70, the creation
3 of the IG there's a mandate to cooperate, but we
4 don't need a mandate. We are going to be completely
5 transparent with the IG. We're going to be
6 supportive in every way possible. We'll figure out
7 ways that he has access to our data as long as it
8 doesn't compromise individuals' privacy interests.
9 And he will have and his office will have complete
10 and utter cooperation from every aspect of the CCRB.

11 So new business. The first thing that I want to
12 discuss under new business, maybe the only thing --
13 I don't know -- we'll see how this develops.

14 So I had a 2-hour meeting last night, yesterday
15 evening, with the Police Commissioner and the entire
16 upper-level staff that handles disciplinary
17 processes in the Police Department. All of us
18 agreed that this system is broke -- I guess would be
19 a word that you could use -- it's too complicated,
20 too crazy, too confused, and not by definition
21 because it's so complicated and so -- the word is
22 messy and unpredictable in certain ways. But we all
23 agree that it needs change and reform.

24 And to that end, the Police Commissioner agreed
25 and the staff agreed that they're going to put

1 together a small group and we're going to put
2 together a small group that would be a group of Dan
3 Gitner, myself and Roger Smith who will meet
4 together to look at trying to rationalize the entire
5 interaction between CCRB and discipline so that it
6 is understood that CCRB discipline is first-class
7 discipline, not second-class discipline, as compared
8 to discipline within the Department and the IAB
9 discipline and that we are trying to figure out ways
10 that are going to be much more transparent to
11 everybody and clear to everybody how the decisions
12 are made with respect to discipline. That's going
13 to be a project that I hope will go parallel to all
14 these other projects that we've got underway.

15 But it's going to be, I think, an incredibly
16 important communication so that the CCRB can begin
17 to get the kind of respect from the Police
18 Department that in my view it has not had in the
19 past with respect to its decisions on the facts and
20 its sanctions recommendations. And the whole point
21 here is to try and have the Police Department
22 ultimately give much more deference to the processes
23 of this agency because the processes of this agency
24 are worthy of that deference. So that goes along
25 with all the reforms within this agency we hope,

1 that will create credibility in the Police
2 Department, and the Police Department will then
3 views us not as an adversary but as a viable and
4 collaborative form of discipline that comes from the
5 citizenry, that comes from the community, and that's
6 fair to cops and fair to complainants. And that
7 therefore, it will be a change of attitude towards
8 the recommendations that come across the street from
9 us to the PD.

10 I think it was a -- the spirit of the meeting
11 was great. Let's see whether it will translate into
12 meaningful change. But I do think that Commissioner
13 Bratton feels that this whole disciplinary process
14 is broken and is bent on fixing it and making it
15 more, first of all, transparent and more rational at
16 every level. He wants to serve the purpose of
17 making sure the community gets its due response when
18 it makes complaints, when people make complaints,
19 that they get appropriate responses. And he also
20 wants to make sure cops are treated fairly so that
21 morale is not destroyed by what cops sometimes
22 believe is an unfair disciplinary process.
23 Obviously this will never be perfect but it's
24 something that I think can be improved immensely.

25 In that vein, any comments about that first

1 before we --

2 MR. LISTON: Mr. Chair, just a question. It
3 seems to me at least it would be important to have
4 someone from the APU at these meetings, our
5 Prosecutions Unit. They're very much part of the
6 sanctions. They'll be making plea negotiations
7 related to them. It's just a suggestion
8 respectfully.

9 CHAIR EMERY: Yes. That may be right. That's
10 a very good suggestion, David, and let me think
11 about it. I'm trying to keep the meetings as
12 small as possible. Roger is a fount of
13 information, which is probably unequaled, as far
14 as I can tell, in this agency. So I'm kind of
15 relying on him to bring to the table the APU
16 interests. But you may be right. It may require
17 some more specific APU presence.

18 Any other thoughts?

19 (No response.)

20 CHAIR EMERY: All right. At this point I wanted
21 to introduce a proposed resolution for the Board.
22 That is something that came out of the meeting last
23 night and I think it's an important and significant
24 and immediate reform within the context of what
25 we've just been talking about; namely, transparency,

1 rationalizing sanctions and getting respect through
2 the CCRB. And the thrust of it, I'll read it in a
3 minute but let me try and explain it in advance.

4 Currently, typically when there are charges
5 voted by a Panel and they go to the APU Unit to be
6 brought over to the trial room at NYPD to be
7 prosecuted, there has not been any negotiations of
8 significance on reducing charges when that may be
9 appropriate for reasons that are not necessarily
10 apparent to the original Panel that voted charges.
11 And in fact, the process -- the APU Unit has felt
12 itself restricted and the Police Department has
13 viewed it as restricted from negotiating prior to
14 trial results in the nature of plea agreements.

15 When there have been plea agreements, those plea
16 agreements for vacation days or whatever the
17 disposition is, have been routinely altered by the
18 Police Commissioner when he reviews them
19 subsequently; and, therefore, there's this entire
20 process which takes place between the respondent and
21 this agency, which then is sabotaged, if you will,
22 or undermined or thrown out by virtue of the Police
23 Commissioner's final ruling with respect to his
24 final responsibilities on dispositions.

25 That presented to me an opportunity, actually,

1 for change. And the opportunity presents the
2 following proposal that we believe -- we don't have
3 final commitment from the Commissioner yet but I do
4 believe we will get final commitment from the
5 Commissioner to undertake the following process:
6 The process will be that when there are cases that
7 are appropriate for pleading circumstances, and that
8 can be informed by all kinds of factors that the
9 prosecutor takes into account when he or she brings
10 the case over to the trial bureau, and there are
11 negotiations about pleas between APU and the
12 respondent. If they can reach some kind of an
13 agreement on an appropriate disposition of case and
14 if the Department advocate office can also approve
15 that agreement, then that agreement will be approved
16 within the Police Department before there's a final
17 plea agreement and will be approved within the
18 Civilian Complaint Review Board by review of the
19 Executive Director and the Chair at a minimum, and
20 we may have a subcommittee created for review of
21 that. And if both sides ultimately agree on a plea
22 to dispose of a particular set the charges, that
23 will be final. There will be no vacating of that
24 plea or changing of that plea by the Police
25 Commissioner later. In other words, the Police

1 Commissioner's approval will be front-loaded for a
2 final plea. In other words, as a simple
3 proposition, APU prosecutors will be treated like
4 normal prosecutors. Grand juries vote indictments,
5 charges are given to prosecutors to prosecute, along
6 the way prosecutors negotiate with defense counsel,
7 they make a deal, and the judge approves the deal
8 and it's finalized.

9 The analogy here will be charges are issued by
10 our grand jury, if you will, to use the metaphor,
11 namely, the Panel, the charges will be given to APU,
12 APU will take them over to the Police Department,
13 and the respondent and APU will negotiate an
14 agreement. If the agreement is one that is
15 acceptable to the Department of Advocate's Office,
16 running up their chain to make sure their approvals
17 are all in place, and it's acceptable to our chain
18 running up its approvals and those approvals are in
19 place, then the deal will be final and there won't
20 be any subsequent review by the Police Commissioner
21 and all that work that now goes into cases, as I saw
22 last night at the meeting, is for no -- under
23 current situations is for not -- that whole process
24 is going to be eliminated of Police Commissioner
25 reducing deals that have been agreed to by

1 respondents, which I find to be extremely
2 undermining of the CCRB function. The integrity of
3 the CCRB function is, in my view, supported by this
4 process which results in binding agreements on deals
5 to the extent they can be made. If they can't be
6 made, charges will go forward and the normal
7 processes will take place. And of course the Police
8 Commissioner will have final review under those
9 circumstances. But we have a good faith commitment,
10 I believe, and we will have it for this process from
11 the Police Department so that we can finalize
12 resolutions with APU deals with the respondent and
13 DAO.

14 Any questions or thoughts about this before I
15 read the resolution and ask for a motion? Make
16 sense to everybody?

17 MR. DONLON: Yes.

18 CHAIR EMERY: It's something that I know that
19 this board has wanted to do for a long time and
20 sought this kind of -- I would call it power. And
21 I'm glad that there seems to be receptivity for it
22 and I think having previewed it a little bit with
23 members of the board and there's certain context
24 that there's a lot of support for it.

25 So what I propose is a resolution which says:

1 "The Administrative Prosecutions Unit shall have the
2 authority to negotiate pleas before trial, including
3 the dismissal of charges with the offering of
4 reduced dispositions including but not limited to
5 instructions, command discipline and a negotiated
6 penalty." And it's understood that to the extent
7 that they have this power now to negotiate pleas
8 that will be a final plea because it is approved by
9 the Police Department and approved by this agency.

10 David.

11 MR. LISTON: Just one thing, and I think it's a
12 detail that can be worked out. But I take it
13 there'll be some sort of oversight, if you will, on
14 our end. In other words, do you want to leave this
15 entirely up to the prosecutors themselves or does it
16 go to the Chair and the Executive Director and
17 perhaps the head of the APU, I would think, for the
18 three of you perhaps to sit down and actually
19 approve these? In other words, what's the -- we can
20 figure that out but I think it's important.

21 CHAIR EMERY: I think the theory here is in the
22 same way that on the police side the Police
23 Commissioner's office is going to have to approve,
24 we're going to have to approve. And the way I
25 perceive it now, the Executive Director will bring

1 it to either me as Chair or some committee that the
2 Board agrees on to approve so that every deal that
3 is going to go forward has the same parallel kind of
4 up-the-chain approval process on either side of the
5 deal. That is DAO. I mean the respondents, that's
6 up to them and their lawyers obviously. But it's
7 the same with respect to the discipline that's going
8 to be agreed to by the Police Department and that
9 we're agreeing to potentially reduce charges to some
10 approved final disposition. That will go up the
11 ladder and we will -- my sense is is that that's a
12 discussion we can have but it doesn't undermine the
13 actual principle of this change.

14 MR. LISTON: No. Agreed. Right.

15 MR. SIMONETTI: Mr. Chair?

16 CHAIR EMERY: Yes?

17 MR. SIMONETTI: The provision of that proposal
18 where you talk about it being reduced to command
19 discipline --

20 CHAIR EMERY: A or B.

21 MR. SIMONETTI: That's my question. They're
22 going to specify A or B? Because the level of
23 penalties is different in both.

24 CHAIR EMERY: Yes, five days, or up to ten and
25 up to five, right? Yes.

1 MR. SIMONETTI: So that will -- they're going to
2 be able to specify the type of --

3 CHAIR EMERY: Right. The plea will be specific.
4 And of course it will have to be done in open court,
5 in a trial room, when it's finalized.

6 MR. LISTON: I think with the understanding and
7 the details we worked out, there'll be some, as you
8 mentioned, some level of internal review --

9 CHAIR EMERY: Right.

10 MR. LISTON: -- and some, I think, transparency
11 in reporting is the hallmark of what you're trying
12 to accomplish. And I think it will be important
13 that we hear back as to what the stats are on this.

14 CHAIR EMERY: Of course. And your point that
15 when we talked about this individually, the Panel
16 getting the information is also, I think, very
17 important because, as you say, as a learning
18 experience, the Panel will get the information as to
19 what the disposition is just as they do now when
20 it's reduced. Now, I don't know whether there's a
21 process for individual Panels to get their
22 individual reductions. I know we report on
23 reductions.

24 MS. CATAPANO-FOX: We can do that. That's not a
25 problem.

1 CHAIR EMERY: We should do that since it's not
2 being done now, apparently.

3 So I have a motion?

4 MR. SIMONETTI: (Makes a motion with the wave of
5 a hand.)

6 MR. LISTON: So moved. Second Tony's motion.

7 CHAIR EMERY: Okay. Second Tony's motion.

8 All in favor?

9 (Chorus of Ayes.)

10 CHAIR EMERY: Any opposed?

11 (No response.)

12 CHAIR EMERY: Thank you. I think that this is
13 going to create a sense of action on our part that
14 is going to be communicated in very positive ways
15 to the NYPD and it's going to get us, I hope, a
16 level of respect, which we haven't necessarily
17 enjoyed in the past.

18 DR. KHALID: I think it's going to add more
19 teeth to the CCRB.

20 CHAIR EMERY: Well, in some form. I mean,
21 ultimately they have the right to not agree to a
22 plea even if the respondent wants it, right? But at
23 least it will be final. It won't be this charade of
24 having a deal that is not a deal. Right? That is
25 ultimately just up to the Police Commissioner to

1 either decide is a deal or not. And we shouldn't be
2 subject to higher authority once a deal is a deal.

3 MR. LISTON: If I may, Mr. Chair?

4 CHAIR EMERY: Sure.

5 MR. LISTON: I think this is a testament to the
6 prosecution unit that we have and the prosecutors
7 that we have giving them the discretion and
8 recognizing that they have the good judgment and
9 they're hired for their good judgment and they've
10 got the experience coming out of DA's offices for
11 the most part and U.S. attorneys' offices to make
12 these sorts of calls. And I think it's a testament
13 to our confidence.

14 CHAIR EMERY: I totally agree. The notion of
15 putting a prosecutor in and not letting him or her
16 have the discretion to make a deal which does
17 justice but pursues the highest charge seems to be
18 silly, and we're trying to do exactly what you're
19 saying.

20 MR. SIMONETTI: Mr. Chairman, as a point of
21 information, does anyone know or have a ballpark
22 figure for how many negotiated pleas there are
23 coming out of the five district attorneys' offices
24 percentage-wise or the federal prosecutors in New
25 York?

1 CHAIR EMERY: Those statistics are published all
2 the time and it varies a lot by county. But it's
3 always over 50 percent but it's usually in the 80s
4 and 90s. I think some counties are -- Bronx for a
5 while was a little lower. But my recollection of
6 just reading this stuff is that pleas are the norm
7 rather than the exception.

8 MR. SIMONETTI: And this will become part of our
9 semiannual and annual reports?

10 CHAIR EMERY: Absolutely. I mean, this is going
11 to be certainly a significant subcategory, that is,
12 pleas not subject to Police Commissioner approval as
13 something that we are tracking.

14 BISHOP TAYLOR: Mr. Chair, I also think this may
15 be a precursor to cases that are not given to the
16 APU, if there's some kind of mechanism that can be
17 developed or devised to finalize determinations on
18 cases that are not recommended for charges so
19 they're not kicked back.

20 CHAIR EMERY: I completely agree with you, and
21 that's hopefully what Dan Gitner, Roger Smith and I
22 are going to accomplish when we go over there and
23 meet with them. I was trying to get an overall
24 sense. This is just a tiny little piece as I see it
25 of an attempt. The parameters of which I haven't

1 conceived or -- and I'd love to hear other people's
2 ideas about how this process should work. I haven't
3 figured out how it should work even in my own mind
4 for purposes of discussion. I'm completely at sea
5 on this because it's so ridiculously complex and
6 there's so many factors sort of playing into this.
7 And then there's this ultimate overriding authority
8 which makes everything, all this work, kind of
9 meaningless.

10 So we have to come to a system where discipline
11 is discipline and it's not just some kind of
12 recommendation to a higher authority. That's the
13 goal. Now, how you do that exactly, when that
14 higher authority clearly has the statutory right and
15 the underlying right to do that, it means that
16 Commissioner Bratton or any police commissioner has
17 to buy into a different process. But that seems to
18 me to be something that we're going to try and
19 explore. You know, that's the idea of looking at
20 this thing. It's the old right. It's the very
21 regrettable Vietnam metaphor, "Sometimes you have to
22 destroy the town to save it," which is terrible.
23 But it's kind of, like, maybe we should be starting
24 from the ground up.

25 MR. ALPHONZO A. GRANT, JR.: Mr. Chair, I think

1 this is excellent and definitely in the right
2 direction. And along the same lines of us making a
3 board resolution, just so that, for posterity sake,
4 we have something binding the two groups together,
5 is there something that can be added to the MOU
6 amended in some form or way?

7 CHAIR EMERY: It may be. When we get their
8 version of agreement, right, then I think we
9 determine how it should be memorialized. And it may
10 be the MOU, it may be just in the memorandum of
11 understanding, but it has to become part of the
12 culture for it to really work, right? I mean, we're
13 not going to be here forever and we want these kind
14 of changes to be here as an institutional change so
15 the prosecutors get the responsibility they deserve,
16 and that they should exercise as a matter of
17 justice.

18 MR. GRANT, JR.: Thank you.

19 CHAIR EMERY: Any other thoughts at this point?

20 (No response.)

21 CHAIR EMERY: So now that we've put all this out
22 on the table, let's hear from the people here in the
23 room. I'm going to go by the list if I can and then
24 if other people want to be added on the list at the
25 end, we'll certainly allow that to occur.

1 Jose LaSalle is the first person that wanted to
2 talk.

3 MR. JOSE LASALLE: Hi. My name is Jose LaSalle.
4 I'm the co-founder of Copwatch Patrol Unit. We've
5 been active for approximately three years and we
6 patrol -- well, I have guys patrolling all five
7 boroughs and now we are patrolling the 120th
8 Precinct because of the issue of Eric Garner, so I
9 put a lot of the guys that I do have available
10 there.

11 Basically, our problem and our issue is and has
12 been with CCRB is we ourselves, we file complaints.
13 We walk around with patrol guys and whatever we see
14 officers doing that they're not supposed to be
15 doing, they're using a phone or doing what they
16 target people for outside in the street, for
17 spitting. Basically everything they target people
18 out there, we also file complaints against them. We
19 file with the CCRB and let CCRB send it to whatever
20 area that they need to send it to that's going to
21 deal with it.

22 I myself filed close to 30-something complaints.
23 A lot of them, it takes 3 to 4 or 5 or 6 to almost a
24 year before they even come out with any type of
25 decision the majority of times. Everything we

1 basically have, we have videos, we document it with
2 videos. So it's not like we don't have videos to
3 show and prove that what we're saying is exactly
4 what happened. And a lot of times it's even
5 overlooked by the CCRB. I'm hoping that now that
6 Emery's here maybe y'all take a different position
7 on making sure that these things are evaluated a
8 little more closer than it has been evaluated.

9 Another thing that we have is that nothing has
10 stopped within the community of color. People
11 are still being harassed every single day. When
12 they file a complaint to the CCRB, CCRB calls these
13 people back and a lot of them feel like they're
14 being interrogated over the phone because they're
15 asked, like, a thousand questions. If there is
16 another method, invite them down here, have them
17 come with whatever evidence they have, and let them
18 speak to y'all here instead of over the phone
19 because it's becoming -- it's pushing a lot of
20 people away, because we get a lot of those brothers
21 and sisters out there coming to us telling us about
22 that.

23 And another thing that I want to talk about is
24 dealing with now -- dealing with your position, or
25 your new position now, a lot of us in the community

1 and a lot of police brutality activists, we feel
2 that since you and Commissioner Bill Bratton had a
3 relationship in LA, you as his lawyer, we feel kind
4 of uncomfortable of how independent you're going to
5 be in making your decision, especially since you and
6 Bill Bratton had some type of relationship in the
7 past. So we are very, very, very, very afraid that
8 there ain't really much going to change because of
9 that. That's one.

10 And also dealing with how about signing, making,
11 creating some type of committee that involves the
12 community that's really affected. I mean, it's sad
13 for me to be here. And I don't see nobody in the
14 community that's affected here. This is supposed to
15 be a public meeting. Maybe the timing is wrong or
16 maybe it's purposely done so people in the community
17 won't come. I don't know. You know what I'm
18 saying? This is just me just putting it out there.
19 So maybe somewhere along the line y'all should have
20 these type of meetings taking place at a time where
21 people in the community can actually come, because
22 people have to work and it's hard for a lot of
23 people, especially in poor communities, that are
24 affected by police brutality, police harassment,
25 that are dehumanized every single day, left

1 traumatized every single day, for them to come and
2 be part of this because they have kids and they have
3 to work. So there's somewhere along the lines y'all
4 have to be flexible enough to allow the people in
5 the community to be part of this because early in
6 the morning at 10 o'clock, you're not allowing the
7 people in the community to be part of this.

8 And one last thing that I do want to emphasize
9 is, that -- another thing is the district attorneys
10 in these precinct community meetings, they send a
11 district attorney there to sit among these meetings,
12 because I go to these meetings, and I go -- I'm
13 trying to change the environment and have the people
14 in the community come and complain about issues of
15 dealing with police harassment, things of that
16 nature. Maybe you could have someone from your
17 board or assign someone to also be at these
18 committees so if people have an issue they can come
19 and talk to one of y'all. You know what I'm saying?
20 So if y'all was to do something like that, I think
21 it will start changing the environment of how the
22 relationship between CCRB and the community is,
23 because the relationship with the CCRB and the
24 community is not as you believe it is. People do
25 not trust y'all. People believe that you're

1 truthless because everything that y'all actually
2 have has not really put the fear of -- let these
3 officers know that, "If you do something wrong,
4 you're going to be held accountable and there's no
5 ifs or buts about it." Y'all do not send that
6 message out there. So when we have police
7 officers -- we recorded hundreds of videos and every
8 single day we record videos, police officers say to
9 themselves, "CCRB, they're a joke. I ain't worried
10 about them." These are all things that's capturing
11 on video. I mean, I can give y'all my website with
12 all these videos and the YouTube and you could see
13 for yourself that it's not something I'm making up.

14 So there's got to be somewhere along the line
15 where y'all have the strength and power or the
16 ability to show these officers that you're not
17 playing around, that y'all actually got the people's
18 back, that you're not just here creating some
19 Hollywood type of scene just so people could know
20 that y'all exist, but actually something that will
21 produce actual -- that will produce actual -- that
22 people will feel comfortable to say, "I believe in
23 the CCRB." But in reality, ain't nobody in the
24 community have no faith in y'all. So somewhere
25 along the line you have to correct that and give us

1 that faith that we need to have that faith in y'all.
2 Thank you.

3 (Applause.)

4 CHAIR EMERY: Let me just say a couple things.
5 Obviously we want to have the faith of the community
6 and earn it. And a lot of the things that I think
7 we've been talking about, making changes, are
8 addressing that sort of hope that we can establish
9 and earn faith in people in the complaint process.

10 MR. LASALLE: Time will tell.

11 CHAIR EMERY: Yeah, exactly, time will tell. I
12 agree with you. A lot of what you said is about
13 Outreach and I really do think that Outreach is a
14 huge opportunity for this agency to do much more
15 than it has in the past. The idea of being at
16 committee meetings in the precincts is a very good
17 one. Having availability to take complaints and
18 interview people not only here, because it's hard to
19 get down here and it's a lot of dislocation, people
20 complain about having to come all the way down
21 here -- but having in the boroughs and throughout
22 the city, having the opportunity to make complaints
23 as well as do interviews is important.

24 Interrogation is, I'm afraid, a bit of a
25 necessary evil because you've got to get the facts

1 and a vague description doesn't get us anywhere. So
2 there's going to be an element of interrogation to
3 the interviews that gather information. And I can
4 understand why people won't particularly like that
5 but if they want to pursue something that's
6 effective, that's part of what a witness has to go
7 through.

8 MR. LASALLE: I meant over the phone.

9 CHAIR EMERY: I understand. Over the phone you
10 have to get as much data and information quickly so
11 that we can figure out that it's an important
12 complaint or one that's less important, or if it's
13 that resources have to be focused.

14 The whole intake in priority process I think is
15 going to be critical to you. If you have things
16 that are, a video that are part of something
17 compelling, and a part of the intake in priority
18 process is going to be when the evidence is really
19 good, like with video, we want to emphasize those.
20 We want to get rid of those cases quickly one way or
21 the other because we have good evidence. And that
22 is something that hasn't necessarily happened in the
23 past. That's one of the priorities, really good
24 reliable evidence.

25 So you're right, time will tell. And my

1 relationship with Brat- -- I mean, I've been a civil
2 rights lawyer for my entire career. So my
3 commitment -- I've handled many hundreds, maybe
4 thousands, many hundreds at least, police cases
5 against police officers. So that has to speak more
6 loudly than my relationship with Bratton. My
7 relationship with Bratton, which is well-known, it
8 wasn't from LA. I didn't have anything to do with
9 him in LA. It was when he was back in New York
10 previously, and crime was through the roof. And my
11 relationship with him was friendly, and I'm counting
12 on that relationship as an opportunity because as I
13 said before, the Police Department has the final
14 authority over discipline. So we want to make that
15 work and so he's investing in us to make sure the
16 disciplinary process is going to work in a way it
17 never has before. But ultimately, time will tell.

18 BISHOP TAYLOR: Can Carlmais say something about
19 Outreach? Because we've gone to a lot of these
20 meetings that Jose just brought up.

21 CHAIR EMERY: Yes, please.

22 MS. JOHNSON: Hi. So I'm the Manager of
23 Community Outreach. So I actually just wanted to, I
24 guess, respond. So we have actually been at a
25 precinct council meeting. We went to the first

1 precinct council meeting. One of the issues is that
2 we have limited resources. For the majority of the
3 year, I was the only person in the unit. We now
4 have another individual.

5 We've actually gone to the majority of the
6 community board meetings and we've actually started
7 a process that we call CCRB in the Boroughs. And
8 what CCRB in the Boroughs does is it actually gives
9 a space in the community so people don't have to
10 come to Manhattan. So they can actually go out in
11 the community and file complaints, also learn about
12 our agency. We have, actually, investigators that
13 are present there during the CCRB in the Boroughs
14 events so that people can file complaints or
15 actually give a statement for another case without
16 coming down to our agency. We've actually scheduled
17 those times so that they're in the late afternoon so
18 that they're usually around 3:00 to 4:00 up until
19 8:00 in the evening so that people who have jobs
20 will be able to go to those events.

21 Just in this month alone we did two events. We
22 did one in Queens with Immigrant Movement
23 International, and that's in Flushing, Queens. And
24 we also did another one at the Council Member's
25 office, Councilman Andrew Cohen in the Bronx.

1 So we actually have a space for people to come
2 out. Right now we're in talks with Councilwoman
3 Debi Rose in Staten Island and also Inez Barron in
4 Brooklyn to have a CCRB in the Boroughs events
5 there. And we're also speaking with clergymen in
6 Brooklyn to be able to have events at some of the
7 religious organizations as well.

8 CHAIR EMERY: Thank you.

9 Chris, I think you're next.

10 MR. GRANT, JR.: Mr. Chair, before we move on, I
11 don't know if the Board has ever considered this,
12 but picking up on what the gentleman said, can we
13 consider having an evening meeting, seeing if that
14 works?

15 CHAIR EMERY: Absolutely.

16 MR. GRANT, JR.: A 6:30 meeting, or something
17 like that.

18 CHAIR EMERY: I'd prefer it. I would like to do
19 it, that way I think we can have meetings in the
20 boroughs and other venues. I think Dr. Khalid is
21 going to lead us in that regard and we're going to
22 make -- my dream is to have -- I don't know if this
23 makes any sense at all -- but my dream is to have
24 CCRB vans where they go to the places where
25 geographically we determine the most complaints are

1 coming from. And they're there and they can take
2 complaints and they can have investigators taking
3 actual investigative reports. You know, whether we
4 can make that happen, whether the budget's there for
5 that, I'd love to have a group of those. They can
6 do mediations in the vans, they can do all kinds of
7 things in the communities where people are and have
8 difficulty getting here.

9 MS. CATAPANO-FOX: There was a precedent for
10 that in the court system as well. They courts have
11 invested in what they call roving complaints
12 and orders of protection and they have judges on
13 call where people can come from the community right
14 to these vehicles. And it's huge. But it's adapted
15 to have the technological ability to contact judges
16 and do orders of protection, get complaints and
17 (inaudible).

18 CHAIR EMERY: You need one of those BlueTEC
19 Mercedes that goes around with the police escort.
20 Who's in that Tony? Who's in that Mercedes BlueTEC
21 van that goes around with the escort?

22 MS. CATAPANO-FOX: Not you.

23 MR. SIMONETTI: Unfortunately, no.

24 CHAIR EMERY: The cameras and (inaudible) didn't
25 get to that?

1 MR. SIMONETTI: No. We didn't get to that.

2 CHAIR EMERY: Chris, sorry.

3 MR. DUNN: It's quite all right. A lot of
4 activity for an August meeting. It's nice to see
5 everybody here.

6 CHAIR EMERY: You know what we need? A podium.
7 I don't like Chris without a podium. I'm used to
8 Chris with a podium, not standing around.

9 For the next meeting, let's get a podium
10 where people could get up.

11 MR. LISTON: He's okay without a podium.

12 CHAIR EMERY: I know he's okay. It unnerves me.

13 MR. DUNN: Okay. So I'm going to skip a lot of
14 the usual stuff about the report, but I did have a
15 couple of questions.

16 You mentioned, Tracy, there was a recommendation
17 for 5 days and then the case was dismissed. On the
18 report, there's a report of a dismissal. Is this a
19 dismissal of an officer or your case being
20 dismissed?

21 MS. CATAPANO-FOX: No, it's the case being
22 dismissed.

23 MR. DUNN: Okay. You need to correct the
24 report. Everyone's going to think a cop got
25 fired arising out of a CCRB complaint, which would

1 be a very big deal.

2 MS. CATAPANO-FOX: Could you just tell me what
3 page?

4 MR. DUNN: It's the last page, the back of it.
5 I got very excited there for a moment. I said,
6 "What did this cop do to get a 5-day recommendation
7 from CCRB and then got terminated?"

8 There was no committee report about this but the
9 semiannual report?

10 CHAIR EMERY: The semiannual report is coming
11 out shortly.

12 MR. DUNN: That's the report. I look forward to
13 seeing it.

14 MS. CATAPANO-FOX: It should be out by the end
15 of this month. We have a draft, again, going with
16 the video bystander to the Chair, disseminating it
17 to the Reports and Recommendations Committee.

18 MR. DUNN: Richard, you have not heard this
19 before but everyone else has, and I just want to say
20 getting the reports out quickly is important. The
21 Board did a great job this year at getting the
22 annual report out much more quickly. So good for
23 you. The resolution is fine. Richard, I worry a
24 little bit that your moving chairs around in the
25 process is not going to speed the process. I will

1 say I'm not excited about the notion of resolutions
2 being floated from meetings that happened last night
3 and get mentioned this morning, and there are
4 perhaps significant changes to CCRB process without
5 a little more deliberation. But hopefully it will
6 all work out.

7 CHAIR EMERY: We're very good with (inaudible).

8 MR. DUNN: The disciplinary chitchat you're
9 going to have with him, there's one additional
10 person you should include in that.

11 CHAIR EMERY: You?

12 MR. DUNN: Yes, correct. All in favor, say --

13 MS. CATAPANO-FOX: We're finally hiring you? Is
14 that what you're telling us?

15 MR. DUNN: No, no, no. It's all part of
16 inclusion.

17 So what I really want to talk about is I want to
18 pick up on your presentation last week, Richard,
19 about thoughts that you had about the CCRB. It is a
20 new day with the CCRB. You are bringing new ideas
21 to it. I'm happy to see that you're thinking of
22 reorganizing things institutionally. I'm thinking
23 about bigger less institutional thoughts.

24 How many of you will be here as we go forward I
25 think remains to be seen. But assuming that

1 everyone will be here, I do want to say a few
2 things which some of which you've heard before, but
3 given that it is a new day, I want to remind you of
4 some things.

5 First, and Richard, you touched about
6 this -- and I have four things. One, there needs to
7 be a cultural shift with the CCRB about its
8 relationship with the public. If we went out today
9 and interviewed a hundred New Yorkers and asked
10 them, "What is the CCRB?," I guarantee you that 99,
11 and perhaps 100 would say, "I have no idea," or some
12 version of that. The CCRB is invisible. People do
13 not know what it is, and that has got to be changed.
14 And that starts everything from the top and this may
15 be in the Charter, but starting with the name,
16 "Civilian Complaint Review Board." You think that
17 invokes anything in anybody? It does not.

18 I would like to see the word "police," in that
19 somewhere. Community engagement. You have got to
20 get out and be involved with the community. I know
21 there's an outreach program. That is an outreach
22 program that goes to high schools and organizations
23 and meetings and talks about what the CCRB does.
24 That is not getting to the community of people who
25 are having bad interactions with the Police

1 Department. And you need to think about this from
2 the start and you need to say to yourself, "Okay,
3 who's walking in my door with complaints about
4 police misconduct and what am I doing to reach
5 those people?"

6 The vans, that's a terrific idea, Richard.
7 That's the idea about getting things out. That's
8 expensive. I'll believe it when it happens and I
9 look forward to it happening. But you could put a
10 table on a street corner in the 75th Precinct on a
11 Saturday afternoon with some staff members and you
12 would learn more about policing from that precinct
13 in one day than you learn in a year of Outreach
14 meetings going in and sitting in some building
15 listening to people show up at 8:00 at night to
16 talk to you about policing. You've got to get into
17 the community in a real way.

18 In terms of getting your name out there, as
19 seen on trucks, "Complaint or compliment? Call
20 whatever." What about putting bumper stickers on
21 police cars, every single NYPD vehicle. "You got a
22 complaint or you got a compliment? Call Tony
23 Simonetti at 311" -- or "1-800-CCRB." You got to
24 think creatively about getting your name out there
25 to places where you will be seen and you will be

1 heard and you will be remembered. And what you're
2 doing is not doing that.

3 Department of Education, I have never heard any
4 discussion about the CCRB working with DOE. A lot
5 of complaints involve young people. The DOE might
6 actually be able to play a significant role in
7 helping young people understand they could come to
8 this agency and get help, and that's important.
9 It's all about public outreach.

10 Then on the complainant side. Richard, you
11 mentioned the problem of how difficult is it to get
12 down here. We've been talking about this for years.
13 It's very, very difficult for people to get down
14 here. We've got to cure that problem. Tracy, you
15 talked at some point pursuant to a comment that I
16 had made about videotaping, about some exploration.
17 I've not heard about that since but I'm hoping
18 that's still being considered; namely, creating a
19 video link so people all across the city can sit in
20 their living rooms or in a local office and give a
21 statement that you consider to be a sworn statement
22 so you can do an investigation.

23 CHAIR EMERY: You mean through an app?

24 MR. DUNN: It could be through an app. It could
25 be through a million different things.

1 MS. CATAPANO-FOX: We're working with the DOITT
2 to do that.

3 MR. DUNN: When people come here, you got to
4 make it easier to get in. And I encourage every
5 single one of you to go sit in the public waiting
6 area that you have here, which is a cell. Sit there
7 for 10 minutes and say to yourself, "What message
8 does this convey to a member of the public as a
9 complainant of ours who comes in here, makes the
10 trouble to get down here, and gets put in that thing
11 and see how good you feel about what's going on.

12 Engagement during the investigation process.
13 You have got to look at everything that's happening
14 in terms of the way you engage with people. This is
15 a very paper-heavy process. The forms you have and
16 the letters you have are very hard for people who
17 are complainants to deal with. And, you know, it's
18 a new world out there. People don't deal with
19 paper. They deal with Facebook, they deal with
20 Twitter, they deal with Instagram, they deal with
21 e-mail. You've got to join the 21st century when it
22 comes to dealing with your complainants.

23 And you got to, you know, I don't know what you
24 do during your summer internships, but you got to
25 get some 16-year-old in here. And say, "Okay, so,

1 if I were a 12-year old, even," and say, "If I want
2 to be in touch with people who are complaining
3 oftentimes, tell me the ten different things I
4 should be doing to get in touch with those people."
5 Because sending them letters is not the way to do
6 it. It's just not the way people communicate
7 anymore.

8 The second thing is the new culture with the
9 Department. You have got to start recognizing, and,
10 Richard, I know you do, this is an independent City
11 agency whose mission is to pursue discipline where
12 there is misconduct and to deal with policies and
13 procedures to avoid future misconduct. You are an
14 independent City agency and you have got to get much
15 more aggressive in dealing with the Department. And
16 I understand, Richard, the idea of having a good
17 working relationship with people and I actually
18 pride myself on having a good relationship with the
19 Police Department most of the time. That doesn't
20 mean we don't sue them. And you have got to be
21 prepared to go to the mat on things when
22 appropriate. You've got to issue subpoenas if
23 people will not show up, and people have not shown
24 up for an interview. You have got to say documents
25 have to get here. You have got to be prepared to go

1 public. You also have to be prepared to work behind
2 the scenes and you have to be prepared to say when
3 they do something right, "You did it right." I'm
4 fine with you saying that publicly. I don't have a
5 problem with that. But it's got to be both sides.

6 And on the press side, and I say this with
7 respect to the public engagement also, Linda is
8 terrific. You should cut her loose. She's got the
9 ability to do enormously good work for all of you.

10 The third thing is speeding the investigation
11 process. Investigations are way, way, way too slow.
12 It takes too long to get people in, it takes too
13 long to get documents, it takes too long to get
14 officers in here, it takes too long for the Board to
15 review cases. If someone walks in here, you ought
16 to have them in for an interview immediately if you
17 don't have them right then. You should have the
18 documents within a week. You should have the
19 officers in here within a month. Board review
20 should be happening quickly. What I would challenge
21 you to do is 90 days, 90 days is the amount of time
22 it should take to complete the CCRB investigation;
23 keeping in mind, you're not their final arbiter
24 here. You're essentially making a probable cause
25 determination that's then and going over to the

1 Police Department. And I don't see any reason why
2 with the number of staff you have and the
3 investigative resources you have with some real
4 improvements to the process you can't get most of
5 your complete investigations done in 90 days and
6 over to the Department. You all know speed is
7 essential. You want to keep people engaged and you
8 want to get officer discipline. Going over there
9 18 months after the fact is a guaranteed way that
10 things will not happen.

11 Final thing is policy reform. We have talked
12 about this. Doing the policy work is essential, I
13 would say perhaps the most essential thing, because
14 churning through investigations and disciplining
15 cops, I mean, there is benefit to that to be sure.
16 What's much more important is changing policies
17 over at the Department, in practice, so the
18 misconduct does not take place. The best thing is,
19 and, Richard, you said this last time, nothing would
20 make me happier than for us to be put out of
21 business. You know, we have vision zero. Maybe we
22 should be aiming for complaint zero. Because if we
23 could get cops to stop engaging in the practices
24 that lead to misconduct, we're already way ahead of
25 the game.

1 That is the greatest service that you could
2 serve to the public. You need to have more policy
3 resources, you have to have more of a policy
4 commitment, you need to be talking about policy
5 issues to the public and the Department hears you
6 talking about this.

7 And frankly, if I were you, I would be looking
8 at things that the Department is doing that are
9 positive and that actually you think are cutting
10 back on misconduct. I don't expect you to just be
11 complaining about the Department. I think it is
12 fine and good for you to say, "You know, we're
13 seeing certain things in complaints and it tells
14 us ten different things are happening over at the
15 Department that actually we think are good things.
16 It's good for the Department to hear that, it's
17 good for the public to hear that, and it's good in
18 terms of your role.

19 So those are the four things in terms of
20 big-picture issues that I think you need to be doing
21 and we look forward to supporting your work in that
22 respect.

23 MR. GITNER: Can I ask you a question, Mr. Dunn?
24 What do you mean when you say, in terms of
25 investigations, speeding the investigations? Is it

1 your view that all we're doing essentially is
2 probable cause investigation? I'm not sure that's
3 accurate.

4 MR. DUNN: It's not technically accurate because
5 these are not criminal cases.

6 MR. GITNER: Put aside whether it's criminal or
7 not. What do you mean by "probable cause"?

8 MR. DUNN: What I mean is you are not the final
9 arbiter of these complaints --

10 MR. GITNER: Right.

11 MR. DUNN: -- you're making determinations to
12 try to substantiate it or not whether or not it's
13 more likely to happen or not. And then it's
14 got to go to somebody and, for instance,
15 (if we are talking about charges and specs), there's
16 going to be a trial.

17 MR. GITNER: So by "probable cause," you don't
18 necessarily mean -- you mean more likely than not?

19 MR. DUNN: Yes.

20 MR. GITNER: Thank you.

21 MR. DUNN: I'm sorry, Dan. You're right. I
22 don't mean to calibrate a particular --

23 MR. GITNER: Standard.

24 MR. DUNN: -- standard. What I'm saying is you
25 in substance are making a preliminary ruling that,

1 yes, you believe misconduct happened, such that a
2 more formal process can take place.

3 MR. GITNER: You and I agree. I understand.
4 Thank you.

5 CHAIR EMERY: All right. We have -- sorry, I've
6 got the list here -- Mr. Brown, John Brown.

7 MR. DONLON: He stepped out.

8 CHAIR EMERY: Well, let's go to the next person
9 then. He can come back. We have Talya Arrington.

10 Is that Mr. Brown?

11 MR. JOHN BROWN: Yes.

12 CHAIR EMERY: Okay. Your turn. You're up.

13 MR. BROWN: How you doing? Hello to all the
14 Commissioners. Mr. Emery, I got to come up here. I
15 spoke to Ian Basset (phonetic) on the phone, to the
16 Mayor, and also Ms. Fox and Rebecca Lynch
17 (phonetic). To all the workers out here and
18 everybody else, I just want to say hello. I haven't
19 been down here in a few months.

20 This is my son, John Brown. Mr. Emery, you have
21 never seen this. That's my son (showing pictures).
22 This is my son after the police drug him on the
23 ground in 2011. The reason that I'm here from 2011
24 is because the case was settled, the City settled
25 it, of course. And we're not after money. The

1 reason that I did this was at the beginning, at the
2 very beginning, was to find out who the police
3 officers was that did this to my son. To this date,
4 I have not gotten -- my son has never seen a picture
5 yet. We have never seen pictures contrary to what
6 anyone says of these officers that did this to my
7 son. His arresting officer was Brian Glovell
8 (phonetic) from the 23rd Precinct. We have never
9 seen a picture, an up-to-date picture, of him, of
10 his partner who arrested my son's friend. We've
11 never seen a picture of him because we know that
12 he's the one that punched my son first and then went
13 on to my son's friend. So that's why they do that,
14 police officers do that, when they want to confuse
15 you. Okay?

16 What I'm saying is I was on the phone with
17 Ms. Fox, Rebecca Lynch, Ian Basset from the Mayor's
18 Office. They said, "Come down, tell the
19 Commissioners that you want to reopen again because
20 now there's supposed to be something in place that
21 you could go back to the Police Department now and
22 ask them for more pictures or ask them, 'Well, you
23 didn't give us what we required.'" That's why I'm
24 here, because I'm asking the Board to reopen. Let's
25 get these pictures because there's supposed to have

1 been progress made. Let's get these pictures so
2 that we can find out who did this to my son.

3 One thing that we have to do, there's a rule --
4 and I'm nervous -- there's a rule that when I asked
5 what happened to my son, this officer brought my son
6 to the car to put him in, my son looked -- was beat
7 up and everything else, what did this officer say?
8 Mr. Emery, they can't tell me because there's
9 something that's an act -- if you can help me,
10 Mr. Dunn -- there's something legally that when you
11 ask questions like this of City workers or people
12 from the City that the Board can't tell me. I can't
13 find out what did the officers say happened to --
14 when you question them, the investigator, Ms. Ortero
15 (phonetic), or whoever did it, "What did this
16 officer say happened to your son?" "We can't tell
17 you that." What kind of investigation is it that
18 you go to somebody and ask them what happened to
19 your son and they tell you, "We can't tell you
20 that." Then you want to know why the public does
21 not have confidence in something like this. See, I
22 understand the provision because you want to
23 maybe -- because they're undercover cops or police
24 officers or City workers, whatever the rule is, but
25 when they're accused of a crime such as dragging my

1 son on the ground and stomping and kicking him,
2 shouldn't that go out the window? It should go out
3 the window. It's obvious to everybody. You should
4 have to answer this question. "What happened when
5 you were the arresting officer and you had his son,
6 how did his son's face get like that?" And you mean
7 to tell me you can't answer that? Something has to
8 be done about that. Any time a charge is brought
9 against an officer that's a serious charge, then
10 that protection that he has should go out the
11 window. Otherwise, they're all going to hide behind
12 that.

13 The other thing is I gave this case in April
14 30th, 2011. I have not seen pictures yet. My son
15 has not seen pictures yet of these officers that
16 supposedly were his arresting officer and the other
17 officer. We have not seen up-to-date pictures
18 because what I find is that y'all don't have them.
19 Because when his investigator, Ms. Ortero, I asked
20 Ms. Ortero, "Ms. Ortero, when was these pictures
21 taken?" "I can't tell you, Mr. Brown." This is the
22 investigator from the CCRB telling me, "I can't tell
23 you when they were taken." The supervisor from that
24 unit, I called him, "Do you know when these pictures
25 were taken?" "I can't tell you. I don't know. The

1 Police Department provides the pictures." We're
2 investigating the Police Department. They're
3 providing the pictures that you see. There is no
4 guideline, like.

5 And then I found out later, two to five years,
6 that's when pictures are taken. Are you kidding me?
7 Do you know how much people change from two to
8 five -- if you go from being a regular officer in
9 the street, which the pictures that were shown to my
10 son fourteen months later after this incident,
11 fourteen months later they showed him pictures. The
12 officer was genetic. None of them had no beard,
13 none of them had no long hair. These were
14 undercover officers, right? So you know how they
15 look. They didn't look the way that the CCRB showed
16 them to look. That's wrong. That's depicting
17 people, you're looking -- how many people have come
18 probably and looked and sat down to look at a photo
19 array of police officers and the picture's not there
20 because they don't look like that no more, because
21 it's two to five years before you change pictures.
22 That doesn't make any sense to me, Mr. Emery. It
23 doesn't. This is a bad problem here that I found
24 here. I mean, we don't have actual -- we don't have
25 accurate pictures of how police officers look. They

1 change the way they look. When they become
2 undercover, we know that they change the way that
3 they look. So when you showed my son those pictures
4 fourteen months, even fourteen months after the
5 incident, how do you expect him to pick out somebody
6 who's not there? Thank you.

7 CHAIR EMERY: Thank you. We have Talya
8 Arrington.

9 MS. TALYA ARRINGTON: Hello, everyone.

10 MR. BROWN: Do you all tell me if you're
11 going to reopen the case or do I have to wait for a
12 letter?

13 MS. CATAPANO-FOX: Mr. Brown, you have to put it
14 in writing and then it will go to the Chair.

15 CHAIR EMERY: Just ask for it to be reopened in
16 writing and then we'll look at it. I promise you,
17 all right?

18 MR. BROWN: Thank you. I'm going to do that
19 now.

20 CHAIR EMERY: Thank you, Mr. Brown.

21 MS. ARRINGTON: As both men stated, nobody knows
22 about the CCRB. How I found out about it, it was
23 through Google and it was me basically being fed up
24 with all the videos I saw on Facebook of cops
25 beating up people. There's no trust when it comes

1 to people in neighborhoods with police. They don't
2 feel safe. They feel if cops are going to stop them
3 it's going to lead to something extra. I've watched
4 videos where cops are putting people in chokeholds
5 and people are fighting them, not because they want
6 to fight the cops, but they're afraid of being put
7 into that position.

8 I just feel that something needs to be done as
9 far as discipline towards these cops. Vacation days
10 is not enough. If somebody breaks a law regardless
11 of your position, you should be held accountable for
12 it. That's it.

13 CHAIR EMERY: Thank you. That's the list.

14 Sir, this gentleman first and then you. Thank
15 you. Sir, what's your name?

16 MR. ARTHUR MIMS: Arthur Mims.

17 CHAIR EMERY: You decided you just want to talk?
18 That's fine.

19 MR. MIMS: Good morning, Board.

20 CHAIR EMERY: Good morning.

21 MR. MIMS: It's good to see many of you, or all
22 of you. And, you know, you moved to a different
23 place and you look well and you definitely made an
24 improvement from the first place I ever came in
25 contact with. It was Lafayette Street where they

1 had, as I recall, pictures of Phil Caruso that hung
2 around the building. In fact, some offices in that
3 building had more pictures of Phil Caruso than the
4 pictures of Jesus and the church. So I really
5 commend the Board. I'm going to try to have faith
6 in you. But I've heard a few things you said this
7 evening -- this afternoon, that I want to talk
8 about.

9 Mediation, I've mentioned one time before. I
10 see you're up a little bit but mediations will
11 always be low. Many of you on that board are
12 lawyers. Lawyers tell their clients pretty much,
13 "Do not bother with mediations. Mediations are a
14 joke." So they don't go to mediations. That's why
15 you had 18 or I look and I see 14. It will always
16 be small. Your unsubstantiated numbers are a hell
17 of a lot higher than your substantiated numbers.
18 That will always be too, as this young man had
19 mentioned earlier, about people being interviewed
20 and the way the case is done. I believe the reason
21 why the unsubstantiated cases are so much higher and
22 will always be is because you're questioning people
23 who for the most part, the victim, has been on the
24 ground and has had cops standing over him like he
25 was a prized animal. He's handcuffed, he or she.

1 The police are standing around with their little
2 notebooks, they're talking to each other, what time
3 I got here, what time you got here. And then you
4 ask this person who basically, he's laying on the
5 ground, he or she, they're looking up, how many
6 officers or badge number, what was the name of the
7 one who approached you? Victims don't know that.
8 And if you turn around and you hear one of the
9 officers say, "Tommy," well, you turn around and
10 say, "Okay, Tommy." Badge number that I remember,
11 29 -- "No, that wasn't Tommy. That was Bobby."
12 Unsubstantiated. You never put down race of
13 complainant, and I looked in this book, or race of
14 the officer. And both of them need to be in this
15 book.

16 And then you said you wanted to study the
17 chokehold. That's what I heard you say, you wanted
18 to do more studies of the chokehold. Fellows, let's
19 just put it like this, okay? Every time in this
20 country when there's a riot or whatever, people are
21 always, "Well, let's study it. What happened? Gee,
22 how come this thing broke down? Gee." They've been
23 doing it for years. They did it in the '30s, the
24 Orella. They've done it in the '60s, Newark, and in
25 California. I'm sure somewhere in the city there's

1 a couple of old guys sitting around doing a study on
2 who's better, Sinatra in the '40s or Sinatra in the
3 '50s?

4 So you do all the studies you want to do on
5 the chokehold but let me tell you right now. They
6 call it different names and under a different name
7 it's still a chokehold. And people struggle because
8 you're scared, as someone mentioned, you're
9 panicked, and you're trying not to die. So do your
10 chokehold.

11 But keep in mind, the only reason why
12 any of us in this room are talking about a chokehold
13 is because somebody took a video. The video is why
14 everyone's talking. So everyone else who turns
15 around and says, "A chokehold was put on me," "I'm
16 sorry, unsubstantiated. There's no video."

17 There's a lot of people out there who I know,
18 black, Hispanic, whatever, who feel anger. Some of
19 the stuff I'm saying right now, I pretty much came
20 to the Board when you were at the other place you
21 were, not Lafayette but afterwards, before 9/11,
22 some of this stuff, and nothing.

23 So I want to see if you take some of what I said
24 and as opposed to, yeah, whatever, throwing it out
25 the window, maybe kind of give some of it some

1 thought.

2 CHAIR EMERY: Thank you. This gentleman.

3 MR. EPHRAIM CRUZ: Good morning, everyone.

4 CHAIR EMERY: What's your name?

5 MR. CRUZ: Ephraim Cruz. Excuse my informal
6 appearance. I'm in season. Everyone is in suits
7 and so forth. I'm born and raised in the South
8 Bronx. I've also had the distinct privilege of
9 patrolling out of the 52, the 46 and the 20, in the
10 early '90s under Kelly 1 and Bratton 1. I went on
11 to become a federal agent with DOJ and DHS, DOJ
12 first because when DHS was created they took -- they
13 came off the umbrella of the U.S. Border Patrol,
14 which I was the senior border patrol agent.

15 I wanted to reiterate two points that Jose
16 brought up, which is why I'm here. Even taking
17 express trains and living in a 2-fare zone, it took
18 me just short of two hours to get here this morning.
19 The timing and the location of these meetings,
20 suspect in our communities.

21 The larger point, speaking to integrity and
22 credibility of this board is Mr. Emery's
23 appointment, that he remains as Chairman and that
24 the Board has not made a motion to ask him to step
25 down speaks to the lack of credibility and integrity

1 of this board. We're in dire straights with the
2 culture of violence in our police departments. And
3 notice I said departments. This is a national
4 epidemic. But here, with the NYPD, especially the
5 Bronx, who files the most complaints, has the
6 highest settlement claims.

7 Is it too late to make that motion right now, to
8 ask this man to step down, because of his palling
9 around and close relationship with Bratton? His own
10 words, "having a first-class meeting," closed-door
11 meeting with Bratton last night is highly suspect,
12 sir. I feel very unsettled right now just even
13 having to raise this issue to this board, the
14 timing, closed-door meeting, the history between
15 Bratton and Mr. Emery. You're very laid back,
16 literally. And I watched the last meeting where a
17 gentleman -- I think Michael Meyers, if I recall the
18 name right -- spoke and addressed some points. You
19 called him bankrupt, you called him -- you said they
20 had no merits. And here I was listening to this
21 gentleman. I'm not sure what his history is
22 attending these meetings. This is my very first
23 before the Board as a Bronxite, but someone who
24 understands the inner workings, the culture of the
25 Police Department and also law enforcement, not just

1 on a city level, but a federal level. When I went
2 fed, I took with me the broken windows theory but
3 applied it internally within the U.S. Border Patrol,
4 because if you can't check what the Police
5 Department considers small acts of corruption with
6 its officers, you can't get to prevent the chokehold
7 murders because of the ridiculous disciplinary
8 actions that are handed down, a day suspension, a
9 week suspension, ridiculous what's happening.

10 I can't stress it enough. Why can't we have
11 that motion? As a New Yorker, as a citizen, not as
12 a law enforcement officer anymore, make that appeal
13 to the Board that you guys right now -- we're having
14 a meeting -- who motions that? How can you guys do
15 your work with integrity and credibility if you as
16 board members allow the very head of your entity,
17 who has a long-standing relationship with the people
18 you're supposed to supervise or investigate and hold
19 accountable, there's no credibility, folks, no
20 credibility. Is that something that we can do?
21 Because I can't go back to the community and tell
22 folks you can take that body seriously. It's
23 laughable. It really is. And I came here two hours
24 one way to individually look you guys in the face
25 and ask you, challenge you, how can you take the

1 Board seriously with a sense of integrity, never
2 mind urgency, but I hear all this "subcommittee,
3 committee," all this busy work. We can't address
4 the fundamental issue that's anchoring your ability
5 to be effective, his appointment.

6 This is right here what I'm going to explain to
7 you as policing your own. I did it within the PD, I
8 did it with the feds, policing your own. When you
9 see something that doesn't look right -- and that's
10 what it is, Mr. Emery, just the appearance that
11 you're here undermines the work of the entire board.

12 Enough said.

13 CHAIR EMERY: Anybody else? Yes, sir.

14 MR. MATTHEW CHRISTIAN: Hi. My name is Matthew
15 Christian. I'm representing an organization called
16 BuskNY, which (inaudible).

17 I have a couple questions about the statistics
18 on page 1 and page 9 of this report. So you state
19 here that you had 465 total cases that were disposed
20 of in some way, meaning an investigation or a
21 mediation; that's correct?

22 MS. CATAPANO-FOX: Yes.

23 MR. CHRISTIAN: And those are detailed on page
24 9, where you say you have 177 full investigations of
25 which 18 or 10.2 percent were substantiated; that's

1 correct?

2 MS. CATAPANO-FOX: Yes.

3 MR. CHRISTIAN: Now, I'm curious -- and then
4 there were some mediations, which I have no problem
5 with. You then say you had 1,218 complaints that
6 were taken in; that's true?

7 MS. CATAPANO-FOX: Yes. On page 9, just so you
8 know, it's the allegations that were substantiated,
9 the 18. So there's a difference between the
10 complaints and the allegations because there can be
11 multiple allegations in one complaint.

12 MR. CHRISTIAN: Sure. Now, on page 1 on intake,
13 is this number, 1,218, complaints or allegations?

14 MS. CATAPANO-FOX:

15 MR. CHRISTIAN: Complaints. Of which 465 were
16 disposed of --

17 MS. CATAPANO-FOX: Yes.

18 MR. CHRISTIAN: -- through mediation or
19 investigation.

20 Now, I'm curious, when I subtract 465 from the
21 1,218 --

22 MS. CATAPANO-FOX: Well, no, the 1,218 is the
23 number of cases we received but most of them would
24 not be closed in that month. The 465 is the total
25 that we closed but the 1,218 is what we took in in

1 that period.

2 MR. CHRISTIAN: Yes, I understand.

3 MS. CATAPANO-FOX: So there would not be --

4 MR. CHRISTIAN: And they'd be dealt with later.
5 complaints.

6 MR. CHRISTIAN: C MS. CATAPANO-FOX: Correct.

7 MR. CHRISTIAN: Yes. Nonetheless, you maintain
8 a pretty safe backlog. Your backlog is not growing.

9 MS. CATAPANO-FOX: The backlog is not growing?

10 MR. CHRISTIAN: Your backlog of cases is not
11 increasing. If you take in 1,200 and you dispose of
12 465, it would imply that you have a backlog of cases
13 which is growing, which I saw elsewhere is not true.

14 MS. CATAPANO-FOX: No, it's not growing. It's
15 actually decreasing --

16 MR. CHRISTIAN: I saw it, which is great.

17 MR. CHRISTIAN: Now, my question is, this
18 difference of 653 cases, this implies that you would
19 have a backlog that's growing by 653 unless these
20 653 intake in complaints were disposed of in some
21 other way.

22 MS. CATAPANO-FOX: You mean 753. You mean 753
23 because you're deducting the numbers. You don't
24 mean 653. If you're just doing the math --

25 MR. CHRISTIAN: Is it 753?

1 MS. CATAPANO-FOX: Well, just the subtraction.
2 I'm not agreeing with any of the --

3 MR. CHRISTIAN: I'm sorry. It is 753. I
4 apologize.

5 MS. CATAPANO-FOX: I just wanted to be clear.

6 MR. CHRISTIAN: I did not major in math. 753,
7 are there any statistics on what happened to those
8 753 cases?

9 MS. CATAPANO-FOX: Yes, but they're pending.
10 There's two different categories of cases. The
11 1,218 are brand new cases that came in in the month
12 of July. The 465 are an entirely separate inventory
13 of cases that are within our total docket, totally
14 separate from the 1,218. So the 753 number is
15 not -- it's good math but it's not in any way
16 correlating those two numbers. If you look up our
17 total caseload, which is 2,605, and what we're
18 saying is that 2,605, out of that, 1,218 complaints
19 were received in July, we have a total caseload of
20 2,605 and that in the month of July the Board closed
21 465 cases. All of these numbers are entirely
22 independent of each other.

23 MR. CHRISTIAN: I understand that. Nonetheless,
24 it is true that cases come in and they are then
25 dropped in some other way than full investigation,

1 other investigation or mediation; is that correct?

2 CHAIR EMERY: Yes. There are three ways that
3 cases are disposed of -- correct me if I'm wrong --
4 they're fully investigated and disposed of through a
5 board process; they are mediated or they are
6 truncated -- there are some referrals, correct.

7 MS. CATAPANO-FOX: Those cases aren't part of
8 investigation.

9 CHAIR EMERY: There are four methods of
10 disposing of cases. One is that they go through
11 full investigation and they go to Panels; two is that
12 they are mediated; three is that they're referred,
13 small number; and four is that they're truncated
14 because for whatever reason the complainant doesn't
15 proceed, takes too long or they give up or whatever.
16 That's a whole area we have to focus on.

17 But I think you're focusing on the truncated
18 cases. There is a definite cohort of truncated
19 cases, which explains, I think, what you're
20 describing as a backlog, which isn't a backlog.
21 It's a truncated group of cases which in many
22 respects is one of the focus of what we're trying to
23 do with some of these changes.

24 MR. CHRISTIAN: The truncated cases, if I
25 understand correctly, are on page 8 and those are

1 under the 465 that were dealt with in July.

2 CHAIR EMERY: I don't --

3 MS. CATAPANO-FOX: It is on page 8.

4 MR. CHRISTIAN: I don't mean to bore you with
5 statistics --

6 MS. CATAPANO-FOX: No. I like statistics.

7 MR. CHRISTIAN: -- and maybe I can just give you
8 the concept here, which is that the impression that
9 some of us have -- and I think Jose mentioned it --
10 is that calls come in or complaints come in and are
11 then found to not really be worthy of an
12 investigation and that they then -- essentially, I
13 don't see any documentation of what happens. I see
14 this very extensive documentation of the end
15 process, where things go to APU, they go to trial,
16 there's a maybe reduction or increase of the penalty
17 by the Commissioner. But I don't understand why
18 apparently the majority of all the cases that are
19 telephoned in don't really appear in this report and
20 we don't really see why most complaints coming in
21 don't move through the process.

22 MS. CATAPANO-FOX: So your question is what
23 happens to the cases that don't go through the
24 process and how many and why? Is that --

25 MR. CHRISTIAN: Yes. And whether there's

1 documentation in this report.

2 MS. CATAPANO-FOX: There is. I mean, all the
3 statistics are there. We also do a semiannual
4 report and an annual report that discusses the
5 breakdown more extensively of why cases don't
6 proceed. It would be a long conversation.

7 MR. DUNN: Tracy, can I just suggest something,
8 what I think is the confusion here?

9 MS. CATAPANO-FOX: Sure.

10 MR. DUNN: Of the 1,218 cases they got, 776 were
11 outside of the jurisdiction and left the CCRB and
12 went someplace else. That's where the cases went.
13 So the only actual intake the CCRB had was 442
14 cases.

15 MR. SIMONETTI: Right. They were referred out.

16 MR. CHRISTIAN: I see what you're saying.

17 MR. DUNN: So someone calls and says, "We don't
18 like the hot dog vendor on the corner." They don't
19 take the complaint, they send it someplace else.

20 MR. CHRISTIAN: It's referred, okay.

21 That's interesting to someone who's filed a CCRB
22 report that was referred. One of mine was referred
23 to Internal Affairs and I then never heard back from
24 Internal Affairs.

25 That's the gist of my question, is why things

1 get telephoned in and then they apparently go
2 nowhere. And I understand statistically what's
3 happening. It's just troubling that things do come
4 in and don't seem to progress. That's the gist of
5 it.

6 CHAIR EMERY: Okay. I think we are going to
7 adjourn and go into Executive Session and discuss a
8 couple of cases that need fill Board review.

9 (Whereupon, the meeting concluded at 12:06 p.m.)

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

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

I, DANIELLE CAVANAGH, 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 14th day of August 2014.

DANIELLE CAVANAGH

**CCRB - Public Meeting - Final
August 13, 2014**

A		
a.m (1) 1:4	agent (2) 75:11,14	approached (1) 73:7
ability (4) 46:16 52:15 61:9 78:4	aggressive (1) 60:15	appropriate (8) 11:7,8 14:2 28:19 30:9 31:7,13 60:22
able (5) 21:7 36:2 50:20 51:6 58:6	agnostic (1) 8:23	appropriately (1) 14:11
abolish (1) 22:17	agree (7) 26:23 31:21 37:21 38:14 39:20 47:12 65:3	approval (5) 19:5,7 32:1 35:4 39:12
absolutely (4) 5:19 10:15 39:10 51:15	agreed (9) 4:24 12:4 19:21 26:18 26:24,25 32:25 35:8,14	approvals (3) 32:16,18,18
accept (1) 19:23	agreeing (2) 35:9 81:2	approve (6) 22:21 31:14 34:19,23 34:24 35:2
acceptable (2) 32:15,17	agreement (11) 19:3,18,21 24:10 31:13,15,15,17 32:14,14 41:8	approved (6) 4:9 31:15,17 34:8,9 35:10
accepted (1) 20:4	agreements (4) 30:14,15,16 33:4	approves (1) 32:7
access (1) 26:7	agrees (1) 35:2	approximately (1) 42:5
accomplish (2) 36:12 39:22	ahead (2) 6:1 62:24	April (1) 68:13
account (1) 31:9	aiming (2) 4:13 62:22	APU (27) 19:1,16,21 20:1,8,11 21:24,25 22:4,13,18,23 25:12 29:4,15,17 30:5,11 31:11 32:3,11 32:12,13 33:12 34:17 39:16 83:15
accountable (3) 46:4 71:11 77:19	ain't (3) 44:8 46:9,23	arbiter (2) 61:23 64:9
accurate (3) 64:3,4 69:25	AI (2) 7:8 10:3	area (3) 42:20 59:6 82:16
accused (1) 67:25	allegations (5) 16:13 79:8,10,11 79:13	arising (1) 53:25
act (2) 16:13 67:9	alleged (4) 13:5,5,17,20	array (1) 69:19
acting (1) 23:13	allow (3) 41:25 45:4 77:16	arrested (1) 66:10
action (5) 7:19 18:19 20:9 37:13 86:17	allowing (1) 45:6	arresting (3) 66:7 68:5,16
actions (1) 77:8	Alphonzo (2) 2:8 40:25	Arrington (4) 65:9 70:8,9,21
activate (1) 23:6	altered (1) 30:17	Arthur (2) 71:16,16
active (2) 21:21 42:5	Alvarez (1) 11:25	aside (1) 64:6
activists (1) 44:1	amended (2) 17:2 41:6	asked (5) 6:13 43:15 56:9 67:4 68:19
activity (2) 13:5 53:4	amount (2) 21:3 61:21	asking (1) 66:24
acts (1) 77:5	analogy (1) 32:9	aspect (1) 26:10
actual (7) 9:25 35:13 46:21,21 52:3 69:24 84:13	anchoring (1) 78:4	aspects (1) 4:16
adapted (1) 52:14	Andrew (1) 50:25	assign (1) 45:17
add (2) 10:20 37:18	anger (1) 74:18	assigned (1) 12:13
added (2) 41:5,24	animal (1) 72:25	assist (2) 10:12,15
additional (2) 20:1 55:9	announced (1) 24:3	assume (1) 22:18
address (2) 4:1 78:3	annual (3) 39:9 54:22 84:4	assuming (1) 55:25
addressed (1) 76:18	answer (2) 68:4,7	attempt (1) 39:25
addressing (1) 47:8	anxious (1) 4:11	attempted (2) 16:3,4
adjourn (1) 85:7	anybody (7) 12:25 21:22 24:8,8,20 56:17 78:13	attending (1) 76:22
adjudications (1) 9:7	anyone (2) 60:7 77:12	attitude (1) 28:7
adjusted (2) 16:5,8	anyway (1) 5:23	attorney (1) 45:11
Administrative (2) 18:25 34:1	apologize (1) 81:4	attorneys (1) 45:9
adopt (2) 22:4 24:2	app (2) 58:23,24	attorneys' (2) 38:11,23
adoption (3) 1:15 3:4,6	apparent (1) 30:10	audio (1) 20:22
advance (1) 30:3	apparently (3) 37:2 83:18 85:1	August (7) 1:3 3:3 7:24 15:9 21:1 53:4 86:21
adversary (1) 28:3	appeal (1) 77:12	authority (8) 24:5,16 34:2 38:2 40:7,12,14 49:14
advocate (1) 31:14	appear (1) 83:19	automobile (1) 20:15
Advocate's (1) 32:15	appearance (3) 19:13 75:6 78:10	availability (2) 6:17 47:17
Affairs (2) 84:23,24	appearances (1) 19:12	available (1) 42:9
afraid (3) 44:7 47:24 71:6	Applause (1) 47:3	AVENUE (1) 1:22
afternoon (3) 50:17 57:11 72:7	applied (1) 77:3	
agency (18) 4:16 15:17 16:1,2 25:21,23 27:23,23,25 29:14 30:21 34:9 47:14 50:12,16 58:8 60:11,14	applies (2) 18:6,8	
agency's (2) 16:16 17:9	appoint (1) 24:5	
AGENDA (1) 1:12	appointment (2) 75:23 78:5	
	appreciate (1) 5:16	
	approach (1) 12:18	

**CCRB - Public Meeting - Final
August 13, 2014**

<p>avoid (3) 9:6,6 60:13 awaiting (8) 17:16 19:3,5,6,8,12,14 19:15 Ayes (1) 37:9</p> <hr/> <p align="center">B</p> <hr/> <p>B (2) 35:20,22 back (14) 8:25 10:22 36:13 39:19 43:13 46:18 49:9 54:4 63:10 65:9 66:21 76:15 77:21 84:23 backlog (9) 9:6 80:8,8,9,10,12,19 82:20,20 bad (2) 56:25 69:23 badge (2) 73:6,10 ballpark (1) 38:21 bankrupt (1) 76:19 Barron (1) 51:3 basically (6) 12:4 42:11,17 43:1 70:23 73:4 Basset (2) 65:15 66:17 beard (1) 69:12 beat (1) 67:6 beating (1) 70:25 becoming (1) 43:19 beginning (3) 14:13 66:1,2 believe (13) 9:24 13:13 25:24 28:22 31:2,4 33:10 45:24,25 46:22 57:8 65:1 72:20 benefit (1) 62:15 bent (1) 28:14 best (2) 13:1 62:18 better (1) 74:2 big (1) 54:1 big-picture (1) 63:20 bigger (1) 55:23 Bill (2) 44:2,6 binding (2) 33:4 41:4 Bishop (17) 2:3 7:9 10:6,10,10 21:23,24 22:6,10,15,25 23:3,8,16 24:4 39:14 49:18 bit (6) 6:1 12:7 33:22 47:24 54:24 72:10 black (1) 74:18 blood (1) 86:17 BlueTEC (2) 52:18,20 board (57) 1:1,2 2:1 3:3,4,24,24 4:20 6:19 7:4,5,10 9:1 15:19,21 16:3 18:2,3,22 21:7,10 22:3,17 22:21 23:25 24:25 29:21 31:18 33:19,23 35:2 41:3 45:17 50:6 51:11 54:21 56:16 61:14,19 66:24 67:12 71:19 72:5,11 74:20 75:22,24 76:1,13,23 77:13,16 78:1,11 81:20 82:5 85:8</p>	<p>Bobby (1) 73:11 body (1) 77:22 book (2) 73:13,15 border (3) 75:13,14 77:3 bore (1) 83:4 born (1) 75:7 boroughs (7) 42:7 47:21 50:7,8,13 51:4,20 bother (1) 72:13 brand (1) 81:11 Brat- (1) 49:1 Bratton (10) 28:13 40:16 44:2,6 49:6,7 75:10 76:9,11,15 breakdown (3) 13:16 17:25 84:5 breaks (1) 71:10 Brian (2) 9:9 66:7 bring (4) 8:25 13:25 29:15 34:25 bringing (1) 55:20 brings (1) 31:9 broke (2) 26:18 73:22 broken (2) 28:14 77:2 Bronx (6) 10:11,12 39:4 50:25 75:8 76:5 Bronxite (1) 76:23 Brooklyn (2) 51:4,6 brothers (1) 43:20 brought (5) 30:6 49:20 67:5 68:8 75:16 Brown (11) 65:6,6,10,11,13,20 68:21 70:10,13,18,20 brutality (2) 44:1,24 budget's (1) 52:4 building (3) 57:14 72:2,3 bumper (1) 57:20 bureau (2) 20:15 31:10 business (7) 1:19,20 3:16,18 26:11 26:12 62:21 BuskNY (1) 78:16 busy (1) 78:3 but's (1) 46:5 buy (1) 40:17 bystander (3) 15:7 21:1 54:16</p> <hr/> <p align="center">C</p> <hr/> <p>C (3) 80:6 86:4,4 calendared (1) 19:11 calibrate (1) 64:22 California (1) 73:25 call (14) 1:14 3:2 8:14 9:21 11:4,9 14:18 33:20 50:7 52:11,13 57:19 57:22 74:6 called (6) 8:3 11:14 68:24 76:19,19 78:15 calls (4) 38:12 43:12 83:10 84:17</p>	<p>cameras (1) 52:24 Captain (1) 25:14 capturing (5) 13:12,13 14:6,25 46:10 car (1) 67:6 career (1) 49:2 Carlmais (2) 10:8 49:18 cars (1) 57:21 Caruso (2) 72:1,3 case (26) 12:9 16:22,25 17:6,7 18:3,4,11,16,18 19:2,4,17,20 20:3,8 31:10,13 50:15 53:17,19 53:21 65:24 68:13 70:11 72:20 caseload (2) 81:17,19 cases (72) 12:5,11,13,15 15:19,19 16:1,2,2,4,24 17:2,10,16,16,19 17:21 18:1,1,2,5,6,9,9,14,23,24 19:1,4,6,7,9,11,14,15 20:11,19 21:5 31:6 32:21 39:15,18 48:20 49:4 61:15 64:5 72:21 78:19 79:23 80:10,12,18 81:8,10,11,13 81:21,24 82:3,7,10,18,19,21,24 83:18,23 84:5,10,12,14 85:8 Catapano-Fox (39) 1:9 2:4 3:10 7:3 12:19 15:12 22:19 23:2 24:14 25:9 36:24 52:9,22 53:21 54:2,14 55:13 59:1 70:13 78:22 79:2,7,14 79:17 82:80:3,6,9,14,22 81:1,5,9 82:7 83:3,6,22 84:2,9 catch (1) 7:22 categories (3) 13:4,17 81:10 cause (4) 61:24 64:2,7,17 CAVANAGH (2) 86:10,25 CCRB (44) 9:3,5 15:14 17:12 26:10 27:5,6,16 30:2 33:2,3 37:19 42:12,19,19 43:5,12,12 45:22,23 46:9,23 50:7,8,13 51:4,24 53:25 54:7 55:4,19,20 56:7,10,12,23 58:4 61:22 68:22 69:15 70:22 84:11,13,21 CCRB's (1) 17:21 cell (1) 59:6 century (1) 59:21 certain (4) 21:10 26:22 33:23 63:13 certainly (3) 7:25 39:11 41:25 certify (2) 86:12,16 chain (2) 32:16,17 chair (120) 1:8,16 2:2 3:1,11,16,23 5:6,12,16,22 6:8,10 7:7,8,18 8:11 8:13,17,19,23 9:2 10:9,13,17,20 10:25 11:22 12:20 15:12 20:23 20:24 21:12,15 22:1,7,12,16 23:4 23:11,17,23,24 24:1,5,7,14,18,23</p>
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**CCRB - Public Meeting - Final
August 13, 2014**

<p>25:6,9,10,18 26:1 29:2,9,20 31:19 33:18 34:16,21 35:1,15,16 35:20,24 36:3,9,14 37:1,7,10,12 37:20 38:3,4,14 39:1,10,14,20 40:25 41:7,19,21 47:4,11 48:9 49:21 51:8,10,15,18 52:18,24 53:2,6,12 54:10,16 55:7,11 58:23 65:5,8,12 70:7,14,15,20 71:13,17 71:20 75:2,4 78:13 82:2,9 83:2 85:6 Chair's (1) 21:6 chaired (4) 4:18 8:7 9:8 10:6 chairing (1) 11:23 Chairman (3) 5:25 38:20 75:23 chairs (2) 9:24 54:24 challenge (2) 61:20 77:25 chance (3) 3:7,13 6:22 change (17) 4:15 11:15 22:17,24 23:14 26:23 28:7,12 31:1 35:13 41:14 44:8 45:13 69:7,21 70:1,2 changed (1) 56:13 changes (10) 4:4,11 10:1 12:2 16:17 22:2 41:14 47:7 55:4 82:23 changing (4) 14:3 31:24 45:21 62:16 charade (1) 37:23 charge (4) 19:25 38:17 68:8,9 charges (16) 18:23 19:13,14,15 30:4,8,10 31:22 32:5,9,11 33:6 34:3 35:9 39:18 64:15 Charter (1) 56:15 check (1) 77:4 checked (1) 13:6 Chief (2) 25:12,13 chitchat (1) 55:8 chokehold (11) 15:2,4 20:18 73:17 73:18 74:5,7,10,12,15 77:6 chokeholds (1) 71:4 Chorus (1) 37:9 Chris (5) 14:5 51:9 53:2,7,8 Christian (24) 78:14,15,23 79:3,12 79:15,18 80:2,4,6,7,10,16,17,25 81:3,6,23 82:24 83:4,7,25 84:16 84:20 church (2) 1:5 72:4 churning (1) 62:14 Cifuni (1) 7:10 circumstances (3) 11:15 31:7 33:9 citizen (1) 77:11 citizenry (1) 28:5 city (11) 6:5 47:22 58:19 60:10,14 65:24 67:11,12,24 73:25 77:1 civil (1) 49:1 Civilian (4) 1:2 3:3 31:18 56:16</p>	<p>civilians (1) 15:25 claims (1) 76:6 clarification (1) 23:9 classifications (1) 6:3 clear (2) 27:11 81:5 clearly (1) 40:14 clergymen (1) 51:5 clients (1) 72:12 close (2) 42:22 76:9 closed (10) 15:19,21 16:2,4 17:2 18:12,13 79:24,25 81:20 closed-door (2) 76:10,14 closer (1) 43:8 co-founder (1) 42:4 Cohen (2) 4:21 50:25 cohort (1) 82:18 collaborative (2) 25:24 28:4 color (1) 43:10 come (27) 6:4 11:18 14:16 28:8 40:10 42:24 43:17 44:17,21 45:1 45:14,18 47:20 50:10 51:1 52:13 58:7 59:3 65:9,14 66:18 69:17 73:22 81:24 83:10,10 85:3 comes (9) 6:18 13:3 16:12,14 28:4 28:5 59:9,22 70:25 comfortable (1) 46:22 coming (8) 4:3 38:10,23 43:21 50:16 52:1 54:10 83:20 command (3) 8:5 34:5 35:18 commence (1) 19:10 commend (2) 20:20 72:5 comment (3) 1:21 6:20 58:15 comments (3) 21:9,12 28:25 commissioner (28) 19:2,7,9,16,18 19:24 20:2,4,7,10,13 25:11 26:15 26:24 28:12 30:18 31:3,5,25 32:20,24 33:8 37:25 39:12 40:16 40:16 44:2 83:17 Commissioner's (3) 30:23 32:1 34:23 Commissioners (2) 65:14 66:19 commitment (5) 31:3,4 33:9 49:3 63:4 committee (46) 1:18 4:17,18,18,22 4:24 5:14 7:13,15,22 8:12 9:14 9:23 10:6,14,18,21,24 11:1,4,17 11:22 12:23 13:10,14 21:8,16,17 21:18,19,25 22:5,7,13,14,23 23:2 23:7,18 24:25 35:1 44:11 47:16 54:8,17 78:3 committees (15) 6:2,11 7:6,19 21:23 22:22 23:9,12,19,25 24:6 24:15,17 25:3 45:18 communicate (1) 60:6</p>	<p>communicated (1) 37:14 communication (1) 27:16 communities (3) 44:23 52:7 75:20 community (26) 28:5,17 43:10,25 44:12,14,16,21 45:5,7,10,14,22 45:24 46:24 47:5 49:23 50:6,9,11 52:13 56:19,20,24 57:17 77:21 compared (1) 27:7 compelling (1) 48:17 complain (2) 45:14 47:20 complainant (6) 13:20 16:14 58:10 59:9 73:13 82:14 complainants (3) 28:6 59:17,22 complaining (2) 60:2 63:11 complaint (25) 1:2 3:3 7:7 9:18,19 13:3,21 14:6,9,14 16:12,24 17:3 17:12 31:18 43:12 47:9 48:12 53:25 56:16 57:19,22 62:22 79:11 84:19 complaints (37) 8:4 14:12 15:15 15:16,17,23 16:7,7,9 17:14 28:18 28:18 42:12,18,22 47:17,22 50:11,14 51:25 52:2,11,16 57:3 58:5 63:13 64:9 76:5 79:5,10,13 79:15 80:5,20 81:18 83:10,20 complete (4) 20:23 26:9 61:22 62:5 completed (3) 19:8,10 21:2 completely (3) 26:4 39:20 40:4 complex (1) 40:5 complicated (2) 26:19,21 compliment (2) 57:19,22 composition (2) 6:16 22:17 comprised (1) 24:12 comprises (1) 12:14 compromise (1) 26:8 Compstat (1) 9:3 conceived (1) 40:1 concept (1) 83:8 concluded (1) 85:9 conditions (1) 11:15 confidence (2) 38:13 67:21 confuse (1) 66:14 confused (1) 26:20 confusion (1) 84:8 Connell (1) 9:10 consent (1) 4:25 consider (3) 8:11 51:13 58:21 considered (2) 51:11 58:18 considers (1) 77:5 consistent (3) 3:21 6:25 19:18 constituted (1) 24:11 constituting (1) 7:6 constructed (1) 7:1</p>
---	---	--

**CCRB - Public Meeting - Final
August 13, 2014**

<p>constructive (1) 6:23 contact (2) 52:15 71:25 contendere (1) 19:22 context (2) 29:24 33:23 continuing (1) 20:18 contrary (1) 66:5 conversation (2) 11:3 84:6 convey (1) 59:8 conveys (1) 8:24 cooperate (1) 26:3 cooperation (1) 26:10 coordinate (1) 11:6 cop (2) 53:24 54:6 cops (13) 8:22 28:6,20,21 62:15,23 67:23 70:24 71:2,4,6,9 72:24 Copstat (3) 8:3 9:22 11:14 Copwatch (1) 42:4 corner (2) 57:10 84:18 correct (9) 46:25 53:23 55:12 78:21 79:1 80:6 82:1,3,6 correctly (1) 82:25 correlating (1) 81:16 corruption (1) 77:5 Cortes-Gomez (7) 2:15 4:20 5:2 5:19 10:9,15,19 council (4) 6:5 49:25 50:1,24 Councilman (1) 50:25 Councilwoman (1) 51:2 counsel (1) 32:6 counties (1) 39:4 counting (1) 49:11 country (1) 73:20 county (2) 39:2 86:8 couple (7) 4:13,14 47:4 53:15 74:1 78:17 85:8 course (4) 33:7 36:4,14 65:25 court (4) 19:12,12 36:4 52:10 courtrooms (1) 25:17 courts (1) 52:10 crazy (1) 26:20 create (7) 11:1 24:15,24,25 25:16 28:1 37:13 created (3) 3:21 31:20 75:12 creating (3) 44:11 46:18 58:18 creation (1) 26:2 creatively (1) 57:24 credibility (6) 28:1 75:22,25 77:15 77:19,20 crime (4) 18:6,8 49:10 67:25 criminal (2) 64:5,6 critical (2) 23:12 48:15 Cruz (3) 75:3,5,5 cultural (1) 56:7 culture (4) 41:12 60:8 76:2,24</p>	<p>cure (1) 58:14 curious (2) 79:3,20 current (3) 10:2 21:23 32:23 currently (3) 18:2,9 30:4 cut (1) 61:8 cutting (1) 63:9</p> <hr/> <p align="center">D</p> <hr/> <p>D (3) 1:8 2:2 3:1 DA (1) 18:9 DA's (1) 38:10 Dan (8) 9:9 10:3 11:3,10,22 27:2 39:21 64:21 Daniel (2) 2:14 11:21 DANIELLE (2) 86:10,25 DAO (2) 33:13 35:5 Darce (2) 7:11 25:13 darnedest (1) 14:20 data (3) 13:8 26:7 48:10 date (4) 17:12,20 18:10 66:3 Dave (1) 8:8 David (5) 2:10 10:3 24:22 29:10 34:10 day (10) 21:6 43:11 44:25 45:1 46:8 55:20 56:3 57:13 77:8 86:21 days (11) 18:15 19:19,23 20:6 30:16 35:24 53:17 61:21,21 62:5 71:9 deadlines (1) 4:7 deal (20) 32:7,7,19 35:2,5 37:24,24 38:1,2,2,16 42:21 54:1 59:17,18 59:19,19,20,20 60:12 dealing (6) 43:24,24 44:10 45:15 59:22 60:15 deals (3) 32:25 33:4,12 dealt (2) 80:4 83:1 Debi (1) 51:3 decide (3) 11:20 14:2 38:1 decided (2) 8:15 71:17 decision (2) 42:25 44:5 decisions (2) 27:11,19 declined (2) 18:16 20:8 decrease (1) 17:10 decreasing (1) 80:15 deducting (1) 80:23 defense (1) 32:6 defer (2) 5:6,8 deference (2) 27:22,24 definite (1) 82:18 definitely (2) 41:1 71:23 definition (1) 26:20 degree (1) 11:13 dehumanized (1) 44:25 deliberation (1) 55:5</p>	<p>Denis (7) 7:11 8:9 9:10 10:4 12:24 13:22,24 Denise (1) 11:24 Department (35) 8:6 18:16 26:17 27:8,18,21 28:2,2 30:12 31:14,16 32:12,15 33:11 34:9 35:8 49:13 57:1 58:3 60:9,15,19 62:1,6,17 63:5,8,11,15,16 66:21 69:1,2 76:25 77:5 Department's (2) 18:19 20:15 departments (2) 76:2,3 depending (1) 9:25 depicting (1) 69:16 deputy (4) 19:9 25:11,13,21 described (2) 13:3,4 describing (2) 14:17 82:20 description (1) 48:1 deserve (2) 11:11 41:15 design (1) 13:14 destroy (1) 40:22 destroyed (1) 28:21 detail (2) 13:4 34:12 detailed (2) 16:18 78:23 details (1) 36:7 determination (2) 20:12 61:25 determinations (2) 39:17 64:11 determine (4) 11:7 16:15 41:9 51:25 developed (1) 39:17 development (1) 6:14 developments (1) 3:18 develops (1) 26:13 devised (1) 39:17 devoted (1) 14:11 DHS (2) 75:11,12 die (1) 74:9 difference (3) 16:23 79:9 80:18 different (12) 12:14 25:15 35:23 40:17 43:6 58:25 60:3 63:14 71:22 74:6,6 81:10 difficult (3) 11:17 58:11,13 difficulty (1) 52:8 dilutes (1) 25:8 dire (1) 76:1 direction (2) 25:23 41:2 directly (1) 22:4 director (6) 1:9,17 4:9 31:19 34:16 34:25 Director's (1) 13:18 disapproved (2) 19:2,24 disciplinary (8) 18:19 20:8 26:16 28:13,22 49:16 55:8 77:7 discipline (17) 27:5,6,7,7,8,9,12 28:4 34:5 35:7,19 40:10,11 49:14</p>
---	--	---

<p>60:11 62:8 71:9 disciplining (1) 62:14 discretion (3) 25:5 38:7,16 discuss (4) 25:20,21 26:12 85:7 discussed (3) 23:20 24:13 25:15 discusses (1) 84:4 discussion (4) 15:7 35:12 40:4 58:4 discussions (2) 3:22 21:9 dislocation (1) 47:19 dismissal (3) 34:3 53:18,19 dismissed (4) 19:25 53:17,20,22 dispose (2) 31:22 80:11 disposed (5) 78:19 79:16 80:20 82:3,4 disposing (1) 82:10 disposition (5) 19:3 30:17 31:13 35:10 36:19 dispositions (2) 30:24 34:4 disseminating (1) 54:16 distinct (1) 75:8 distribution (2) 15:5,8 district (3) 38:23 45:9,11 docket (7) 17:9,17,19,21,22 19:1 81:13 document (1) 43:1 documentation (3) 83:13,14 84:1 documents (3) 60:24 61:13,18 DOE (2) 58:4,5 dog (1) 84:18 doing (19) 6:16 8:24 16:19 20:21 42:14,15,15 57:4 58:2,2 60:4 62:12 63:8,20 64:1 65:13 73:23 74:1 80:24 DOITT (1) 59:1 DOJ (2) 75:11,11 Donlon (6) 2:12 4:20 5:20 9:12 33:17 65:7 door (1) 57:3 doubts (1) 24:9 Dr (7) 2:13 9:9 10:7 23:5,24 37:18 51:20 draft (2) 21:6 54:15 drafted (1) 4:25 dragging (1) 67:25 dramatically (1) 4:15 dream (2) 51:22,23 dropped (1) 81:25 drug (1) 65:22 due (1) 28:17 Dunn (22) 53:3,13,23 54:4,12,18 55:8,12,15 58:24 59:3 63:23 64:4 64:8,11,19,21,24 67:10 84:7,10 84:17</p>	<p style="text-align: center;">E</p> <hr/> <p>E (1) 86:4 e-mail (1) 59:21 e-mails (1) 7:21 earlier (3) 23:20 24:3 72:19 earliest (1) 14:10 early (3) 8:1 45:5 75:10 earn (2) 47:6,9 easier (1) 59:4 Edidin (2) 9:10 25:12 Education (1) 58:3 effect (1) 10:1 effective (3) 23:15 48:6 78:5 efficient (1) 25:17 either (6) 6:12,22 10:12 35:1,4 38:1 element (1) 48:2 eliminated (1) 32:24 EMAIL (1) 1:24 Emery (98) 1:8 2:2 3:1,11 5:6,12 5:16,22 6:8,10 7:7 8:13,17,19,23 9:2 10:13,17,20,25 11:22 12:20 21:12,15 22:1,7,12,16 23:4,11,17 23:23 24:1,7,18 25:6 26:1 29:9 29:20 33:18 34:21 35:16,20,24 36:3,9,14 37:1,7,10,12,20 38:4 38:14 39:1,10,20 41:7,19,21 47:4 47:11 48:9 49:21 51:8,15,18 52:18,24 53:2,6,12 54:10 55:7,11 58:23 65:5,8,12,14,20 67:8 69:22 70:7,15,20 71:13,17,20 75:2,4 76:15 78:10,13 82:2,9 83:2 85:6 Emery's (2) 43:6 75:22 emphasize (3) 14:4 45:8 48:19 encourage (1) 59:4 enforcement (2) 76:25 77:12 engage (1) 59:14 engaged (1) 62:7 engagement (3) 56:19 59:12 61:7 engaging (1) 62:23 enjoyed (1) 37:17 enormously (1) 61:9 entered (2) 19:4,20 entire (6) 7:5 26:15 27:4 30:19 49:2 78:11 entirely (3) 34:15 81:12,21 entity (1) 77:16 environment (2) 45:13,21 Ephraim (2) 75:3,5 epidemic (1) 76:4 Eric (1) 42:8 escort (2) 52:19,21 especially (5) 11:12 14:20 44:5,23 76:4</p>	<p>Espinal (1) 4:21 Esq (12) 1:8,9 2:2,4,7,8,9,10,11,12 2:14,15 essential (3) 62:7,12,13 essentially (3) 61:24 64:1 83:12 establish (1) 47:8 Eure (1) 25:19 evaluated (2) 43:7,8 evaluating (1) 13:9 evaluation (3) 8:4 9:4 14:10 evening (4) 26:15 50:19 51:13 72:7 events (6) 13:20 50:14,20,21 51:4 51:6 everybody (9) 3:2 6:21 7:16 27:11 27:11 33:16 53:5 65:18 68:3 Everybody's (1) 4:24 everyone's (2) 53:24 74:14 evidence (4) 43:17 48:18,21,24 evil (1) 47:25 exactly (5) 23:16 38:18 40:13 43:3 47:11 excellent (2) 21:4 41:1 exception (3) 18:6,8 39:7 excited (2) 54:5 55:1 excluding (1) 17:2 Excuse (2) 8:18 75:5 executive (9) 1:9,17 4:9 13:17 25:18 31:19 34:16,25 85:7 exercise (1) 41:16 exist (3) 21:24 25:2 46:20 existed (1) 22:22 existence (1) 22:23 existing (2) 3:25 25:3 exists (2) 9:11,14 expect (2) 63:10 70:5 expensive (1) 57:8 experience (2) 36:18 38:10 experiment (1) 12:22 expired (1) 18:17 explain (2) 30:3 78:6 explains (1) 82:19 exploration (1) 58:16 explore (1) 40:19 express (2) 24:9 75:17 extensive (1) 83:14 extensively (1) 84:5 extent (3) 11:6 33:5 34:6 extra (1) 71:3 extremely (2) 5:10 33:1</p> <hr/> <p style="text-align: center;">F</p> <hr/> <p>F (1) 86:4 face (2) 68:6 77:24 Facebook (2) 59:19 70:24</p>
---	--	---

**CCRB - Public Meeting - Final
August 13, 2014**

<p>facilitate (1) 4:10 FACSIMILE (1) 1:24 fact (5) 9:23 10:10 30:11 62:9 72:2 factors (2) 31:8 40:6 facts (2) 27:19 47:25 fair (2) 28:6,6 fairly (1) 28:20 faith (7) 33:9 46:24 47:1,1,5,9 72:5 far (4) 11:14 21:13 29:13 71:9 favor (2) 37:8 55:12 fear (1) 46:2 fed (2) 70:23 77:2 federal (3) 38:24 75:11 77:1 feds (1) 78:8 feel (10) 43:13 44:1,3 46:22 59:11 71:2,2,8 74:18 76:12 feels (1) 28:13 Fellows (1) 73:18 felt (1) 30:11 fewer (2) 15:16 17:23 fight (1) 71:6 fighting (1) 71:5 figure (6) 14:16 26:6 27:9 34:20 38:22 48:11 figured (1) 40:3 file (6) 42:12,18,19 43:12 50:11,14 filed (7) 17:14,15 18:5,10 19:14 42:22 84:21 files (1) 76:5 filing (1) 19:15 fill (1) 85:8 final (19) 19:3,5 20:11 30:23,24 31:3,4,16,23 32:2,19 33:8 34:8 35:10 37:23 49:13 61:23 62:11 64:8 finalize (2) 33:11 39:17 finalized (4) 19:16 20:2 32:8 36:5 finally (1) 55:13 find (5) 33:1 66:2 67:2,13 68:18 fine (4) 54:23 61:4 63:12 71:18 fired (1) 53:25 first (18) 4:17 14:18 15:5,20 16:20 19:17 20:25 26:11 28:15,25 42:1 49:25 56:5 66:12 71:14,24 75:12 76:22 first-class (2) 27:6 76:10 five (8) 17:16 35:24,25 38:23 42:6 69:5,8,21 fixing (1) 28:14 flexible (1) 45:4 floated (1) 55:2 Floor (1) 1:5 Flushing (1) 50:23 focus (2) 82:16,22</p>	<p>focused (2) 9:5 48:13 focusing (1) 82:17 folder (1) 3:5 folks (2) 77:19,22 follow (2) 7:20 12:3 following (2) 31:2,5 follows (2) 4:5 18:1 forever (1) 41:13 forfeited (1) 20:6 forfeiture (2) 19:19,23 form (6) 13:2,6 14:8 28:4 37:20 41:6 formal (1) 65:2 formality (1) 24:20 formalized (2) 20:14 25:16 formally (1) 10:17 forms (2) 16:19 59:15 forth (1) 75:7 forward (8) 4:12 7:17 33:6 35:3 54:12 55:24 57:9 63:21 forwarded (1) 18:24 found (6) 18:15 21:5 69:5,23 70:22 83:11 fount (1) 29:12 four (5) 17:15 56:6 63:19 82:9,13 fourteen (4) 69:10,11 70:4,4 Fox (2) 65:16 66:17 frankly (1) 63:7 friend (2) 66:10,13 friendly (1) 49:11 front-loaded (1) 32:1 full (6) 15:21 16:15 20:23 78:24 81:25 82:11 fully (2) 12:6 82:4 function (2) 33:2,3 fundamental (1) 78:4 further (2) 18:4 86:16 future (3) 21:20,22 60:13</p> <hr/> <p align="center">G</p> <hr/> <p>G (2) 2:3,10 game (1) 62:25 Garner (1) 42:8 gather (1) 48:3 gathering (1) 13:8 Gee (2) 73:21,22 general (1) 10:12 genetic (1) 69:12 gentleman (5) 51:12 71:14 75:2 76:17,21 geographically (1) 51:25 geography (1) 8:4 getting (9) 30:1 36:16 52:8 54:20 54:21 56:24 57:7,18,24</p>	<p>gist (2) 84:25 85:4 Gitner (15) 2:14 9:9 10:3 11:3,21 24:21 27:3 39:21 63:23 64:6,10 64:17,20,23 65:3 give (11) 3:12,20 27:22 46:11,25 50:15 58:20 66:23 74:25 82:15 83:7 given (4) 32:5,11 39:15 56:3 gives (3) 11:19 16:15 50:8 giving (1) 38:7 glad (1) 33:21 Glovell (1) 66:7 go (39) 6:22 12:16 24:25 27:13 30:5 33:6 34:16 35:3,10 39:22 41:23 45:12,12 48:6 50:10,20 51:24 55:24 59:5 60:21,25 64:14 65:8 66:21 67:18 68:2,2,10 69:8 70:14 72:14 77:21 82:10,11 83:15,15,23 85:1,7 goal (1) 40:13 goals (1) 25:22 goes (6) 12:22 27:24 32:21 52:19 52:21 56:22 going (75) 4:15,18 6:19,21 7:15 8:7 9:15,17,19,22 10:8 11:1,4,5,9 11:16 12:4,21 13:1,22 14:16,20 21:20 23:13 26:4,5,25 27:1,10,12 27:15 32:24 34:23,24 35:3,7,22 36:1 37:13,14,15,18 39:10,22 40:18 41:13,23 42:20 44:4,8 46:4 48:2,15,18 49:16 51:21,21 53:13 53:24 54:15,25 55:9 57:14 59:11 61:25 62:8 64:16 68:11 70:11,18 71:2,3 72:5 78:6 85:6 good (31) 3:1,14 5:12,21 6:13 10:25 15:12 29:10 33:9 38:8,9 47:16 48:19,21,23 54:22 55:7 59:11 60:16,18 61:9 63:12,15,16 63:17,17 71:19,20,21 75:3 81:15 Google (1) 70:23 gotten (1) 66:4 grand (2) 32:4,10 Grant (7) 2:8 7:9 10:3 40:25 41:18 51:10,16 great (6) 5:18,18 13:25 28:11 54:21 80:16 greatest (1) 63:1 ground (5) 40:24 65:23 68:1 72:24 73:5 group (7) 5:5 12:14 27:1,2,2 52:5 82:21 groups (1) 41:4 growing (5) 80:8,9,13,14,19 guarantee (1) 56:10</p>
---	---	--

**CCRB - Public Meeting - Final
August 13, 2014**

<p>guaranteed (1) 62:9 guess (4) 3:5,16 26:18 49:24 guideline (1) 69:4 guidelines (3) 11:4,9,14 guilty (2) 18:15 20:5 guys (7) 42:6,9,13 74:1 77:13,14 77:24</p> <hr/> <p align="center">H</p> <hr/> <p>hair (1) 69:13 hallmark (1) 36:11 hand (2) 37:5 86:21 handcuffed (1) 72:25 handed (1) 77:8 handled (3) 4:16 12:14 49:3 handles (1) 26:16 happen (4) 6:21 52:4 62:10 64:13 happened (11) 43:4 48:22 55:2 65:1 67:5,13,16,18 68:4 73:21 81:7 happening (6) 57:9 59:13 61:20 63:14 77:9 85:3 happens (3) 57:8 83:13,23 happier (1) 62:20 happy (2) 5:13 55:21 harassed (1) 43:11 harassment (2) 44:24 45:15 hard (5) 5:14 20:20 44:22 47:18 59:16 harebrained (1) 12:18 head (3) 5:15 34:17 77:16 hear (7) 36:13 40:1 41:22 63:16,17 73:8 78:2 heard (8) 54:18 56:2 58:1,3,17 72:6 73:17 84:23 hears (1) 63:5 held (3) 7:22 46:4 71:11 hell (1) 72:16 hello (3) 65:13,18 70:9 help (2) 58:8 67:9 helpful (1) 14:8 helping (1) 58:7 hereunto (1) 86:20 Hi (3) 42:3 49:22 78:14 hide (1) 68:11 high (1) 56:22 higher (5) 38:2 40:12,14 72:17,21 highest (2) 38:17 76:6 highly (2) 20:20 76:11 hired (1) 38:9 hiring (1) 55:13 Hispanic (1) 74:18 history (2) 76:14,21 hold (6) 3:6,11 14:19,22 18:9 77:18</p>	<p>Hollywood (1) 46:19 hope (7) 4:24 11:18 15:4 27:13,25 37:15 47:8 hopefully (5) 4:3,12 15:8 39:21 55:5 hoping (4) 20:24 22:3 43:5 58:17 hot (1) 84:18 hours (2) 75:18 77:23 huge (2) 47:14 52:14 hundred (1) 56:9 hundreds (3) 46:7 49:3,4 hung (1) 72:1</p> <hr/> <p align="center">I</p> <hr/> <p>IAB (1) 27:8 lan (2) 65:15 66:17 idea (8) 5:21 12:1 40:19 47:15 56:11 57:6,7 60:16 ideas (8) 4:4 13:1 14:4,5,24 23:5 40:2 55:20 identified (1) 14:21 ifs (1) 46:5 IG (4) 25:19,20 26:3,5 immediate (1) 29:24 immediately (2) 12:21 61:16 immensely (1) 28:24 Immigrant (1) 50:22 implement (1) 4:4 implemented (1) 6:20 implementing (1) 22:20 implied (1) 12:18 implies (2) 8:21 80:18 imply (2) 12:8 80:12 important (17) 7:13 13:7,8,10 24:22 27:16 29:3,23 34:20 36:12 36:17 47:23 48:11,12 54:20 58:8 62:16 imposed (1) 19:19 impression (1) 83:8 improved (1) 28:24 improvement (1) 71:24 improvements (1) 62:4 inaudible (4) 52:17,24 55:7 78:16 incident (4) 17:20 18:10 69:10 70:5 inclination (1) 6:17 include (1) 55:10 included (1) 16:24 includes (1) 16:18 including (3) 15:22 34:2,4 inclusion (1) 55:16 increase (1) 83:16 increased (1) 20:5 increasing (1) 80:11</p>	<p>incredibly (1) 27:15 independent (4) 44:4 60:10,14 81:22 indicated (1) 20:24 indictments (1) 32:4 individual (3) 36:21,22 50:4 individually (2) 36:15 77:24 individuals' (1) 26:8 Inez (1) 51:3 inform (1) 25:22 informal (1) 75:5 information (11) 13:7,11,12 14:25 24:4 29:13 36:16,18 38:21 48:3 48:10 informed (1) 31:8 initial (5) 13:15 14:6,9,14 19:12 initially (3) 12:18 16:6,13 initiatives (2) 4:2,4 inner (1) 76:24 input (1) 12:24 inside (1) 14:1 Instagram (1) 59:20 instance (2) 9:18 64:14 institutional (2) 41:14 55:23 institutionally (1) 55:22 instructions (1) 34:5 intake (13) 7:8 9:19 12:24 13:2,3,6 14:8 15:18 48:14,17 79:12 80:20 84:13 integrity (5) 33:2 75:21,25 77:15 78:1 interaction (1) 27:5 interactions (1) 56:25 interested (1) 86:18 interesting (3) 3:18 11:16 84:21 interests (2) 26:8 29:16 internal (4) 9:4 36:8 84:23,24 internally (3) 12:24 13:23 77:3 International (1) 50:23 internships (1) 59:24 interrogated (1) 43:14 interrogation (2) 47:24 48:2 interview (3) 47:18 60:24 61:16 interviewed (2) 56:9 72:19 interviews (2) 47:23 48:3 introduce (1) 29:21 inventory (1) 81:12 invested (1) 52:11 investigate (1) 77:18 investigated (3) 12:6 17:18 82:4 investigating (1) 69:2 investigation (14) 18:4 58:22 59:12 61:10,22 64:2 67:17 78:20 79:19 81:25 82:1,8,11 83:12</p>
---	---	--

**CCRB - Public Meeting - Final
August 13, 2014**

<p>investigations (15) 9:7,14,16 10:2 10:23 12:23 15:22 17:13 18:7 61:11 62:5,14 63:25,25 78:24 investigative (2) 52:3 62:3 investigator (3) 67:14 68:19,22 investigators (2) 50:12 52:2 investing (1) 49:15 invisible (1) 56:12 invite (1) 43:16 invokes (1) 56:17 involve (1) 58:5 involved (1) 56:20 involves (1) 44:11 involving (2) 18:14,18 Island (1) 51:3 issue (6) 42:8,11 45:18 60:22 76:13 78:4 issued (1) 32:9 issues (4) 45:14 50:1 63:5,20</p> <hr/> <p align="center">J</p> <hr/> <p>J (2) 2:5 5:25 James (2) 2:12 5:20 Janette (5) 2:15 4:19 5:2,8 10:21 January (3) 16:10 17:1,5 Jayne (1) 7:10 Jessica (1) 10:8 Jesus (1) 72:4 Jim (4) 4:20 5:8,23 9:11 job (1) 54:21 jobs (1) 50:19 Joe (1) 8:8 John (3) 65:6,11,20 Johnson (2) 10:8 49:22 join (2) 5:20 59:21 joint (1) 9:24 joke (2) 46:9 72:14 Jon (2) 7:10 25:13 Jose (6) 42:1,3,3 49:20 75:15 83:9 Joseph (3) 2:6 10:7 11:23 Jr (5) 2:8 40:25 41:18 51:10,16 judge (1) 32:7 judges (2) 52:12,15 judgment (2) 38:8,9 Jules (6) 2:9 4:19 5:4,6,7,20 July (20) 3:9,10,11 15:14,18,19,25 16:2 17:1,5,9,25 18:22 19:1,17 20:7 81:12,19,20 83:1 June (8) 16:5,10 17:11,23 18:13,19 18:21 20:2 juries (1) 32:4 jurisdiction (3) 15:15 16:16 84:11 jury (1) 32:10 justice (2) 38:17 41:17</p>	<p align="center">K</p> <hr/> <p>keep (4) 4:6 29:11 62:7 74:11 keeping (1) 61:23 Kelly (1) 75:10 Khalid (7) 2:13 9:9 10:7 23:5,24 37:18 51:20 kicked (1) 39:19 kicking (1) 68:1 kidding (1) 69:6 kids (1) 45:2 kind (16) 8:20 11:8,12 27:17 29:14 31:12 33:20 35:3 39:16 40:8,11 40:23 41:13 44:3 67:17 74:25 kinds (3) 11:11 31:8 52:6 know (41) 3:5 5:9 8:13 14:9 23:10 26:13 33:18 36:20,22 38:21 40:19 44:17,17 45:19 46:3,19 51:11,22 52:3 53:6,12 56:13,20 59:17,23,23 60:10 62:6,21 63:12 66:11 67:20 68:24,25 69:7,14 70:2 71:22 73:7 74:17 79:8 knowing (1) 24:15 knows (2) 5:10 70:21</p> <hr/> <p align="center">L</p> <hr/> <p>LA (3) 44:3 49:8,9 lack (1) 75:25 ladder (1) 35:11 Lafayette (2) 71:25 74:21 laid (1) 76:15 Landin (3) 2:11 9:8 11:24 larger (1) 75:21 LaSalle (5) 42:1,3,3 47:10 48:8 late (3) 18:5 50:17 76:7 laughable (1) 77:23 Laughter (1) 5:24 Laura (2) 9:10 25:12 law (4) 26:2 71:10 76:25 77:12 lawyer (2) 44:3 49:2 lawyers (3) 35:6 72:12,12 laying (1) 73:4 lead (3) 51:21 62:24 71:3 learn (4) 7:21 50:11 57:12,13 learning (1) 36:17 leave (2) 25:6 34:14 led (1) 13:21 left (2) 44:25 84:11 legal (1) 20:15 legally (1) 67:10 let's (17) 3:1,2,6,11 10:20,25 24:2 24:19 25:6 28:11 41:22 53:9 65:8 66:24 67:1 73:18,21 letter (1) 70:12 letters (2) 59:16 60:5</p>	<p>letting (1) 38:15 level (6) 28:16 35:22 36:8 37:16 77:1,1 limitation (1) 18:5 limitations (3) 18:1,8,17 limited (2) 34:4 50:2 Linda (2) 9:13 61:7 line (3) 44:19 46:14,25 lines (3) 13:16 41:2 45:3 link (1) 58:19 Lisa (1) 4:20 list (6) 22:11,13 41:23,24 65:6 71:13 listed (1) 23:3 listening (2) 57:15 76:20 Liston (13) 2:10 8:8 10:4 24:22 29:2 34:11 35:14 36:6,10 37:6 38:3,5 53:11 literally (2) 14:24 76:16 little (10) 6:1 12:7 33:22 39:5,24 43:8 54:24 55:5 72:10 73:1 living (2) 58:20 75:17 local (2) 26:2 58:20 location (1) 75:19 lockstep (1) 8:1 long (12) 8:24 10:8 25:1 26:7 33:19 61:12,13,13,14 69:13 82:15 84:6 long-standing (1) 77:17 look (20) 3:13 27:4 54:12 57:9 59:13 63:21 69:15,15,16,18,20 69:25 70:1,3,16 71:23 72:15 77:24 78:9 81:16 looked (3) 67:6 69:18 73:13 looking (9) 4:12 6:1 8:16,21 12:5 40:19 63:7 69:17 73:5 loose (1) 61:8 lost (1) 18:15 lot (29) 4:15 5:18 7:14 8:16 9:17,20 9:22 13:15 22:8 33:24 39:2 42:9 42:23 43:4,13,19,20,25 44:1,22 47:6,12,19 49:19 53:3,13 58:4 72:17 74:17 loudly (1) 49:6 love (3) 5:5 40:1 52:5 low (1) 72:11 lower (1) 39:5 Lynch (2) 65:16 66:17</p> <hr/> <p align="center">M</p> <hr/> <p>M (2) 2:14 11:21 main (1) 3:20 maintain (1) 80:7 major (1) 81:6 majority (4) 42:25 50:2,5 83:18</p>
--	---	--

**CCRB - Public Meeting - Final
August 13, 2014**

<p>makeup (1) 7:6 making (12) 28:14,17 29:6 41:2 43:7 44:5,10 46:13 47:7 61:24 64:11,25 Maldonado (1) 25:11 MAMARONECK (2) 1:22,23 man (2) 72:18 76:8 Manager (1) 49:22 mandate (2) 26:3,4 Manhattan (1) 50:10 Marcos (3) 7:11 8:9 9:13 marriage (1) 86:18 Martin (5) 2:9 4:19 5:7,13 10:22 mat (1) 60:21 math (3) 80:24 81:6,15 matter (5) 5:11 24:19 41:16 86:14 86:19 Matthew (2) 78:14,14 Mayor (1) 65:16 Mayor's (1) 66:17 mayoral (1) 6:5 McCormick (4) 7:11 8:10 9:10 10:4 mean (25) 12:8 23:5 35:5 37:20 39:10 41:12 44:12 46:11 49:1 58:23 60:20 62:15 63:24 64:7,8 64:18,18,22 68:6 69:24 80:22,22 80:24 83:4 84:2 meaning (1) 78:20 meaningful (1) 28:12 meaningless (1) 40:9 means (1) 40:15 meant (1) 48:8 Measured (1) 17:11 mechanism (1) 39:16 mediated (4) 15:25 16:1 82:5,12 mediation (16) 4:17 5:4 9:20,20 14:17,18,21,23,25 16:3,4 17:19 72:9 78:21 79:18 82:1 mediations (6) 52:6 72:10,13,13 72:14 79:4 meet (2) 27:3 39:23 meeting (30) 1:1,12 3:3,9,9,11,22 4:2 21:13 23:21 25:15,20,25 26:14 28:10 29:22 32:22 44:15 49:25 50:1 51:13,16 53:4,9 76:10 76:11,14,16 77:14 85:9 meetings (19) 7:16 9:24 21:20,22 29:4,11 44:20 45:10,11,12 47:16 49:20 50:6 51:19 55:2 56:23 57:14 75:19 76:22 member (3) 6:19 8:5 59:8 Member's (1) 50:24 members (17) 2:1 3:24,24 4:19 6:2 7:4,9,10 8:8 9:8,12 10:3,7 11:23</p>	<p>33:23 57:11 77:16 memorandum (1) 41:10 memorialized (1) 41:9 men (1) 70:21 mention (1) 25:10 mentioned (8) 36:8 53:16 55:3 58:11 72:9,19 74:8 83:9 Mercedes (2) 52:19,20 merits (1) 76:20 message (2) 46:6 59:7 messy (1) 26:22 met (3) 25:10,13,18 metaphor (2) 32:10 40:21 method (1) 43:16 methods (1) 82:9 Meyers (1) 76:17 Michael (1) 76:17 Mickens (1) 10:5 million (1) 58:25 Mims (4) 71:16,16,19,21 mind (4) 40:3 61:23 74:11 78:2 mine (1) 84:22 minimum (1) 31:19 minute (2) 3:12 30:3 minutes (7) 1:15 3:4,5,6,8,8 59:7 misconduct (9) 13:5,17 57:4 60:12 60:13 62:18,24 63:10 65:1 mission (1) 60:11 mistaken (1) 26:2 Mitchell (1) 2:3 Mohammed (1) 2:13 moment (1) 54:5 money (1) 65:25 month (13) 12:10,12,15,16 15:18 20:9 21:11 50:21 54:15 61:19 79:24 81:11,20 monthly (1) 16:18 months (13) 4:13,14 15:21 16:20 17:15 18:10,11 62:9 65:19 69:10 69:11 70:4,4 morale (1) 28:21 morning (8) 3:1 15:13 45:6 55:3 71:19,20 75:3,18 motion (10) 24:2,15 33:15 37:3,4,6 37:7 75:24 76:7 77:11 motions (1) 77:14 MOU (2) 41:5,10 move (6) 7:17,18,23 24:20 51:10 83:21 moved (3) 24:21 37:6 71:22 Movement (1) 50:22 moves (1) 4:10 moving (2) 25:23 54:24 Muglia (1) 25:14</p>	<p>multiple (1) 79:11 murders (1) 77:7</p> <hr/> <p align="center">N</p> <hr/> <p>N (1) 86:4 name (11) 8:23 42:3 56:15 57:18 57:24 71:15 73:6 74:6 75:4 76:18 78:14 names (1) 74:6 national (1) 76:3 nature (4) 8:5 12:22 30:14 45:16 necessarily (5) 25:2 30:9 37:16 48:22 64:18 necessary (2) 24:18 47:25 need (16) 6:15,24 24:6 26:4 42:20 47:1 52:18 53:6,23 57:1,2 63:2,4 63:20 73:14 85:8 needs (4) 10:10 26:23 56:6 71:8 negative (1) 8:21 negotiate (4) 32:6,13 34:2,7 negotiated (2) 34:5 38:22 negotiating (1) 30:13 negotiations (3) 29:6 30:7 31:11 neighborhoods (1) 71:1 nervous (1) 67:4 never (11) 28:23 49:17 58:3 65:21 66:4,5,8,11 73:12 78:1 84:23 new (26) 1:6,6,20,23 3:16,18 8:17 8:19 12:12 23:4 25:19 26:11,12 38:24 43:25 49:9 55:20,20 56:3,9 59:18 60:8 77:11 81:11 86:6,11 Newark (1) 73:24 nice (1) 53:4 night (6) 26:14 29:23 32:22 55:2 57:15 76:11 Nina (1) 10:4 nolo (1) 19:21 norm (1) 39:6 normal (2) 32:4 33:6 Notary (1) 86:10 notebooks (1) 73:2 noted (1) 13:5 notice (1) 76:3 notion (2) 38:14 55:1 now's (1) 4:25 number (11) 9:17 12:11 16:9 20:18 62:2 73:6,10 79:13,23 81:14 82:13 numbers (8) 16:5,8,17 72:16,17 80:23 81:16,21 NYPD (5) 18:13 30:6 37:15 57:21 76:4</p> <hr/> <p align="center">O</p> <hr/>
---	---	--

**CCRB - Public Meeting - Final
August 13, 2014**

<p>O (1) 86:4 o'clock (1) 45:6 object (1) 6:22 obvious (1) 68:3 obviously (4) 7:24 28:23 35:6 47:5 occur (1) 41:25 offering (1) 34:3 office (7) 26:9 31:14 32:15 34:23 50:25 58:20 66:18 officer (16) 14:21 18:17 53:19 62:8 66:7 67:5,7,16 68:5,9,16,17 69:8 69:12 73:14 77:12 officers (24) 15:25 18:14,14,18 42:14 46:3,7,8,16 49:5 61:14,19 66:3,6,14 67:13,24 68:15 69:14 69:19,25 73:6,9 77:6 offices (4) 38:10,11,23 72:2 oftentimes (1) 60:3 okay (20) 4:23 5:4 10:20 21:15 22:6,15 23:23 37:7 53:11,12,13 53:23 57:2 59:25 65:12 66:15 73:10,19 84:20 85:6 old (4) 1:19 40:20 60:1 74:1 older (1) 17:22 once (3) 11:19 12:5 38:2 open (7) 17:13,16,21,22 18:7 19:1 36:4 operate (1) 11:19 operations (2) 22:22 25:22 opportunity (5) 30:25 31:1 47:14 47:22 49:12 opposed (2) 37:10 74:24 Opt-out (1) 9:20 order (4) 1:14 3:2 9:6 25:21 ordered (1) 20:13 orders (2) 52:12,16 Orella (1) 73:24 organization (1) 78:15 organizations (2) 51:7 56:22 original (1) 30:10 originally (2) 16:11 18:11 Ortero (4) 67:14 68:19,20,20 ought (1) 61:15 outcome (1) 86:19 outreach (11) 10:6 22:25 23:6 47:13,13 49:19,23 56:21,21 57:13 58:9 outside (3) 12:25 42:16 84:11 overall (1) 39:23 overlap (4) 9:17,20,22 11:13 overlooked (1) 43:5 overriding (1) 40:7 oversight (1) 34:13</p>	<p>P</p> <hr/> <p>p.m (1) 85:9 page (12) 10:22 16:20,21 54:3,4 78:18,18,23 79:7,12 82:25 83:3 palling (1) 76:8 Panel (10) 12:10,13,15,16 17:16 30:5,10 32:11 36:15,18 Panels (9) 6:16,25 11:19 12:5,9,9 12:12 36:21 82:11 panicked (1) 74:9 paper (1) 59:19 paper-heavy (1) 59:15 parallel (2) 27:13 35:3 parameters (1) 39:25 part (17) 5:13 13:6 22:1 29:5 37:13 38:11 39:8 41:11 45:2,5,7 48:6 48:16,17 55:15 72:23 82:7 participate (1) 7:19 particular (5) 10:11 12:13,16 31:22 64:22 particularly (1) 48:4 parties (1) 86:17 partner (1) 66:10 patrol (6) 42:4,6,13 75:13,14 77:3 patrolling (3) 42:6,7 75:9 PC (1) 19:5 PD (3) 11:7 28:9 78:7 penalties (1) 35:23 penalty (4) 20:5,12 34:6 83:16 pending (2) 18:2 81:9 people (72) 3:13 4:21,25 6:12 7:19 8:16 14:4 28:18 41:22,24 42:16 42:17 43:10,13,20 44:16,21,22 44:23 45:4,7,13,18,24,25 46:19 46:22 47:9,18,19 48:4 50:9,14,19 51:1 52:7,13 53:10 56:12,24 57:5 57:15 58:5,7,13,19 59:3,14,16,18 60:2,4,6,17,23,23 61:12 62:7 67:11 69:7,17,17 70:25 71:1,4,5 72:19,22 73:20 74:7,17 77:17 people's (2) 40:1 46:17 perceive (1) 34:25 percent (15) 15:24 17:3,5,6,8,13 17:14,17,18,20,22 18:20,21 39:3 78:25 percentage-wise (1) 38:24 perfect (3) 12:19 21:19 28:23 period (4) 15:16 17:4,7 80:1 person (6) 19:22 42:1 50:3 55:10 65:8 73:4 Peterson (1) 21:2 phases (1) 13:15 Phil (3) 25:19 72:1,3 phone (8) 7:20 42:15 43:14,18</p>	<p>48:8,9 65:15 66:16 phonetic (4) 65:15,17 66:8 67:15 photo (1) 69:18 pick (2) 55:18 70:5 picking (1) 51:12 picture (4) 66:4,9,9,11 picture's (1) 69:19 pictures (21) 65:21 66:5,22,25 67:1 68:14,15,17,20,24 69:1,3,6 69:9,11,21,25 70:3 72:1,3,4 piece (1) 39:24 place (13) 4:14 9:24 30:20 32:17 32:19 33:7 44:20 62:18 65:2 66:20 71:23,24 74:20 places (2) 51:24 57:25 play (2) 8:13 58:6 playing (2) 40:6 46:17 plea (19) 19:2,18,20,21,24 20:1,4 29:6 30:14,15,15 31:17,21,24,24 32:2 34:8 36:3 37:22 pleading (1) 31:7 pleas (8) 19:4,16 31:11 34:2,7 38:22 39:6,12 please (1) 49:21 podium (5) 53:6,7,8,9,11 point (13) 3:20 13:24 21:5 23:8 24:4,19 27:20 29:20 36:14 38:20 41:19 58:15 75:21 points (2) 75:15 76:18 police (68) 6:4 8:6 14:21 19:2,7,16 19:17,24 20:2,4,7,10,13 26:15,17 26:24 27:17,21 28:1,2 30:12,18 30:22 31:16,24,25 32:12,20,24 33:7,11 34:9,22,22 35:8 37:25 39:12 40:16 44:1,24,24 45:15 46:6,8 49:4,5,13 52:19 56:18,25 57:4,21 60:19 62:1 65:22 66:2,14 66:21 67:23 69:1,2,19,25 71:1 73:1 76:2,25 77:4 policies (5) 4:3,14 9:25 60:12 62:16 policing (4) 57:12,16 78:7,8 policy (7) 6:15 23:13 62:11,12 63:2 63:3,4 poor (1) 44:23 portion (1) 21:21 position (5) 43:6,24,25 71:7,11 positive (2) 37:14 63:9 possible (4) 11:6 14:10 26:6 29:12 Post (2) 8:17,19 posterity (1) 41:3 potentially (1) 35:9 power (5) 24:23 25:8 33:20 34:7 46:15</p>
---	--	--

**CCRB - Public Meeting - Final
August 13, 2014**

<p>practice (1) 62:17 practices (1) 62:23 precedence (1) 25:7 precedent (2) 24:24 52:9 precinct (8) 8:5 42:8 45:10 49:25 50:1 57:10,12 66:8 precincts (1) 47:16 precursor (1) 39:15 predictions (1) 11:8 prefer (1) 51:18 preliminary (1) 64:25 prepared (4) 60:21,25 61:1,2 presence (1) 29:17 present (2) 2:1 50:13 presentation (1) 55:18 presented (1) 30:25 presents (1) 31:1 press (1) 61:6 pretty (3) 72:12 74:19 80:8 prevent (1) 77:6 previewed (1) 33:22 previously (4) 18:3 20:3 24:12 49:10 pride (1) 60:18 primarily (1) 10:11 primary (1) 13:22 principle (1) 35:13 prior (4) 3:25 15:6 23:20 30:13 priorities (2) 13:9 48:23 priority (4) 7:8 9:18 48:14,17 Priority's (1) 9:19 privacy (1) 26:8 privilege (1) 75:8 prized (1) 72:25 probable (4) 61:24 64:2,7,17 probably (5) 9:21 14:15 21:21 29:13 69:18 problem (8) 5:3 36:25 42:11 58:11 58:14 61:5 69:23 79:4 problems (1) 7:23 procedures (1) 60:13 proceed (2) 82:15 84:6 proceedings (2) 86:13,15 process (38) 4:10 7:14,24 8:1 9:16 14:17 21:18 25:17 28:13,22 30:11,20 31:5,6 32:23 33:4,10 35:4 36:21 40:2,17 47:9 48:14,18 49:16 50:7 54:25,25 55:4 59:12 59:15 61:11 62:4 65:2 82:5 83:15 83:21,24 processes (6) 9:4,7 26:17 27:22 27:23 33:7 produce (2) 46:21,21 productive (2) 25:15,24</p>	<p>program (2) 56:21,22 progress (3) 15:4 67:1 85:4 project (1) 27:13 projects (1) 27:14 promise (1) 70:16 proposal (3) 22:3 31:2 35:17 propose (1) 33:25 proposed (1) 29:21 proposition (1) 32:3 prosecute (2) 18:16 32:5 prosecuted (1) 30:7 prosecution (2) 18:25 38:6 Prosecutions (2) 29:5 34:1 prosecutor (2) 31:9 38:15 prosecutors (8) 32:3,4,5,6 34:15 38:6,24 41:15 protection (3) 52:12,16 68:10 prove (1) 43:3 provide (1) 20:22 provides (1) 69:1 providing (1) 69:3 provision (2) 35:17 67:22 public (17) 1:1,12,21 9:11 21:21 44:15 56:8 58:9 59:5,8 61:1,7 63:2,5,17 67:20 86:10 publicly (1) 61:4 published (1) 39:1 Puma (4) 2:6 8:9 10:7 11:23 punched (1) 66:12 purpose (3) 6:9,10 28:16 purposely (1) 44:16 purposes (2) 6:14 40:4 pursuant (1) 58:15 pursue (2) 48:5 60:11 pursues (1) 38:17 pushing (2) 13:23 43:19 put (17) 21:4 24:16 26:25 27:1 41:21 42:9 46:2 57:9 59:10 62:20 64:6 67:6 70:13 71:6 73:12,19 74:15 putting (4) 38:15 44:18 57:20 71:4</p> <hr/> <p align="center">Q</p> <hr/> <p>Queens (2) 50:22,23 question (9) 24:7 29:2 35:21 63:23 67:14 68:4 80:17 83:22 84:25 questioning (1) 72:22 questions (5) 33:14 43:15 53:15 67:11 78:17 quickly (8) 4:10 12:21 14:3 48:10 48:20 54:20,22 61:20 quite (2) 5:9 53:3</p> <hr/> <p align="center">R</p> <hr/>	<p>R (1) 86:4 race (2) 73:12,13 raise (1) 76:13 raised (1) 75:7 random (3) 12:9,10,17 rate (11) 15:23 16:21,22,25,25 17:2,4,6,7 18:20,21 rational (1) 28:15 rationalize (2) 11:5 27:4 rationalizing (1) 30:1 reach (2) 31:12 57:4 read (2) 30:2 33:15 reading (1) 39:6 ready (1) 15:8 real (2) 57:17 62:3 reality (1) 46:23 really (17) 4:11,13 5:16 7:16 41:12 44:8,12 46:2 47:13 48:18,23 55:17 72:4 77:23 83:11,19,20 reason (8) 13:14 16:11 62:1 65:23 66:1 72:20 74:11 82:14 reasons (1) 30:9 Rebecca (2) 65:16 66:17 recall (2) 72:1 76:17 receive (1) 20:14 received (5) 15:14,17 16:10 79:23 81:19 receives (1) 17:12 receptivity (1) 33:21 recognizing (2) 38:8 60:9 recollection (1) 39:5 recommendation (4) 18:23 40:12 53:16 54:6 recommendations (4) 21:8 27:20 28:8 54:17 recommended (1) 39:18 reconstruct (1) 6:25 record (3) 24:12 46:8 86:15 recorded (1) 46:7 redesign (2) 13:2 14:8 redesigning (2) 9:16 21:17 reduce (1) 35:9 reduced (3) 34:4 35:18 36:20 reducing (2) 30:8 32:25 reduction (1) 83:16 reductions (2) 36:22,23 referrals (1) 82:6 referred (5) 82:12 84:15,20,22,22 refine (2) 6:23 12:7 refinement (1) 3:25 refining (1) 14:9 reflect (1) 16:9 reflected (2) 16:17 20:1 reform (4) 13:2 26:23 29:24 62:11</p>
---	---	---

reforms (1) 27:25
reformulating (1) 9:15
regard (3) 12:2 21:4 51:21
regarding (1) 20:15
regardless (1) 71:10
regards (1) 20:12
regrettable (1) 40:21
regular (2) 23:2 69:8
reiterate (1) 75:15
related (2) 29:7 86:16
relationship (14) 44:3,6 45:22,23
49:1,6,7,11,12 56:8 60:17,18
76:9 77:17
relatively (1) 4:7
reliable (1) 48:24
religious (1) 51:7
relying (1) 29:15
remaining (1) 18:7
remains (3) 22:14 55:25 75:23
remember (1) 73:10
remembered (1) 58:1
remind (1) 56:3
rendered (1) 19:6
reopen (3) 66:19,24 70:11
reopened (3) 18:4,11 70:15
reorganizing (1) 55:22
replace (1) 25:3
report (34) 1:16,17 3:15,17,20
13:18 15:2,7,11 16:7,18,20,21
20:11,13,23 21:1,4 36:22 53:14
53:18,18,24 54:8,9,10,12,22
78:18 83:19 84:1,4,4,22
reported (6) 16:6,6,11 20:3,10
86:13
reporting (3) 1:22 16:19 36:11
reports (11) 1:18 9:11 21:8,16,17
21:20 23:19 39:9 52:3 54:17,20
representative (1) 6:4
representing (1) 78:15
require (1) 29:16
required.' (1) 66:23
resolution (9) 16:22,25 17:6,7
29:21 33:15,25 41:3 54:23
resolutions (2) 33:12 55:1
resources (8) 9:5 14:11,16,22
48:13 50:2 62:3 63:3
respect (9) 27:12,17,19 30:1,23
35:7 37:16 61:7 63:22
respectfully (1) 29:8
respects (1) 82:22
respond (1) 49:24
respondent (9) 19:20,25 20:9,11
30:20 31:12 32:13 33:12 37:22
respondent's (1) 20:4

respondents (3) 20:14 33:1 35:5
response (7) 11:15 21:14 23:22
28:17 29:19 37:11 41:20
responses (2) 11:12 28:19
responsibilities (1) 30:24
responsibility (1) 41:15
restricted (2) 30:12,13
results (2) 30:14 33:4
retained (2) 20:7,10
returned (1) 18:3
review (16) 1:2 3:4,7 17:17 18:2
21:6 31:18,18,20 32:20 33:8 36:8
56:16 61:15,19 85:8
reviewed (1) 20:19
reviewing (1) 20:21
reviews (1) 30:18
rewarding (1) 11:17
Richard (12) 1:8 2:2 3:1 54:18,23
55:18 56:5 57:6 58:10 60:10,16
62:19
RICHMOND (1) 86:8
rid (1) 48:20
ridiculous (2) 77:7,9
ridiculously (1) 40:5
right (48) 3:14 6:8 7:1 11:21 13:12
14:12,15 22:12,15 23:7 25:6 29:9
29:16,20 35:14,25 36:3,9 37:21
37:22,24 40:14,15,20 41:1,8,12
48:25 51:2 52:13 53:3 61:3,3,17
64:10,21 65:5 69:14 70:17 74:5
74:19 76:7,12,18 77:13 78:6,9
84:15
rights (1) 49:2
riot (1) 73:20
roadblocks (1) 9:6
Roger (5) 7:11 13:25 27:3 29:12
39:21
role (3) 13:22 58:6 63:18
roof (1) 49:10
room (4) 30:6 36:5 41:23 74:12
rooms (1) 58:20
Rose (1) 51:3
Rosemarie (2) 4:21 25:11
rotating (1) 12:5
routinely (1) 30:17
roving (1) 52:11
Rudolph (1) 2:11
Rudy (2) 9:8 11:23
rule (5) 4:3 10:1 67:3,4,24
rules (1) 6:15
ruling (2) 30:23 64:25
run (1) 5:5
running (2) 32:16,18

S

sabotaged (1) 30:21
Sachs (1) 9:13
sad (1) 44:12
safe (2) 71:2 80:8
sake (1) 41:3
sanctions (4) 11:4 27:20 29:6 30:1
Sarah (1) 21:2
sat (1) 69:18
satisfactory (1) 4:23
Saturday (1) 57:11
save (1) 40:22
saw (4) 32:21 70:24 80:13,16
saying (11) 5:17 38:19 43:3 44:18
45:19 61:4 64:24 66:16 74:19
81:18 84:16
says (4) 33:25 66:6 74:15 84:17
scared (1) 74:8
scene (1) 46:19
scenes (1) 61:2
schedule (4) 4:7 14:19,21,23
scheduled (2) 19:11 50:16
scheduling (2) 7:23 14:18
schools (1) 56:22
sea (1) 40:4
searches (1) 20:16
season (1) 75:6
seated (1) 3:2
second (6) 7:7 16:21 19:20 37:6,7
60:8
second-class (1) 27:7
section (1) 21:20
see (24) 16:13 22:10 26:13 28:11
39:24 42:13 44:13 46:12 53:4
55:21 56:18 59:11 62:1 67:21
69:3 71:21 72:10,15 74:23 78:9
83:13,13,20 84:16
seeing (3) 51:13 54:13 63:13
seen (11) 55:25 57:19,25 65:21
66:4,5,9,11 68:14,15,17
selected (1) 6:11
semiannual (4) 39:9 54:9,10 84:3
send (5) 42:19,20 45:10 46:5 84:19
sending (1) 60:5
senior (1) 75:14
sense (11) 11:10,19 12:8 21:19
33:16 35:11 37:13 39:24 51:23
69:22 78:1
sentencing (1) 11:9
separate (2) 81:12,14
separated (1) 17:1
separately (1) 15:1
September (3) 8:1 15:5 20:25
serious (1) 68:9

**CCRB - Public Meeting - Final
August 13, 2014**

<p>seriously (2) 77:22 78:1 serve (2) 28:16 63:2 served (1) 19:13 service (2) 19:14 63:1 SERVICES (1) 1:22 Session (1) 85:7 set (7) 4:8 5:10 12:12,15 25:7 31:22 86:20 settled (2) 65:24,24 settlement (1) 76:6 seven (1) 15:20 shift (1) 56:7 short (1) 75:18 shortly (2) 14:15 54:11 show (5) 21:7 43:3 46:16 57:15 60:23 showed (3) 69:11,15 70:3 showing (1) 65:21 shown (2) 60:23 69:9 side (4) 34:22 35:4 58:10 61:6 sides (2) 31:21 61:5 significance (1) 30:8 significant (6) 12:2 16:23 29:23 39:11 55:4 58:6 signing (1) 44:10 silly (1) 38:18 Simonetti (23) 2:5 5:25 6:9 7:2,9 8:8,11,15,18,20,25 9:12 35:15,17 35:21 36:1 37:4 38:20 39:8 52:23 53:1 57:23 84:15 simple (1) 32:2 Sinatra (2) 74:2,2 single (6) 43:11 44:25 45:1 46:8 57:21 59:5 sir (4) 71:14,15 76:12 78:13 sisters (1) 43:21 sit (6) 12:11 34:18 45:11 58:19 59:5,6 sitting (2) 57:14 74:1 situations (1) 32:23 skill (1) 5:10 skip (1) 53:13 Skype (1) 7:20 slow (1) 61:11 small (6) 27:1,2 29:12 72:16 77:5 82:13 smart (1) 5:10 Smith (4) 7:12 14:1 27:3 39:21 soldier (2) 5:7,22 Soler (3) 7:11 8:9 9:13 somebody (6) 7:17 64:14 67:18 70:5 71:10 74:13 someplace (2) 84:12,19 son (18) 65:20,21,22 66:3,4,7,12</p>	<p>67:2,5,5,6,16,19 68:1,5,14 69:10 70:3 son's (3) 66:10,13 68:6 sorry (7) 17:23 18:21 53:2 64:21 65:5 74:16 81:3 sort (3) 34:13 40:6 47:8 sorts (1) 38:12 sought (1) 33:20 South (1) 75:7 space (2) 50:9 51:1 speak (4) 5:1 10:9 43:18 49:5 speaking (2) 51:5 75:21 speaks (1) 75:25 special (3) 3:9,22 8:5 specific (3) 4:3 29:17 36:3 specifications (1) 18:24 specifics (1) 14:5 specify (2) 35:22 36:2 specs (1) 64:15 speed (2) 54:25 62:6 speeding (2) 61:10 63:25 spirit (2) 6:24 28:10 spitting (1) 42:17 spoke (2) 65:15 76:18 ss (1) 86:7 staff (17) 3:24 4:21 7:10 8:9 9:9,13 10:4,7 11:24 20:19,20 25:14,18 26:16,25 57:11 62:2 stage (1) 14:10 standard (2) 64:23,24 standing (7) 22:13,18 23:19 25:3 53:8 72:24 73:1 start (6) 3:4 13:18 22:20 45:21 57:2 60:9 started (2) 7:25 50:6 starting (3) 3:15 40:23 56:15 starts (1) 56:14 state (3) 78:18 86:6,11 stated (1) 70:21 statement (4) 16:15 50:15 58:21 58:21 statements (1) 20:22 Staten (1) 51:3 statistical (1) 16:18 statistically (1) 85:2 statistics (7) 20:1 39:1 78:17 81:7 83:5,6 84:3 stats (1) 36:13 statute (4) 17:25 18:5,7,17 statutory (1) 40:14 stem (1) 17:13 STENO-KATH (1) 1:22 stenokath@verizon.net (1) 1:24 step (2) 75:24 76:8</p>	<p>stepped (1) 65:7 stepping (1) 5:16 stickers (1) 57:20 stomping (1) 68:1 stop (3) 19:22 62:23 71:2 stopped (1) 43:10 straights (1) 76:1 street (6) 1:5 28:8 42:16 57:10 69:9 71:25 strength (1) 46:15 stress (1) 77:10 strikes (1) 14:3 strong (1) 23:5 structure (1) 12:1 structures (1) 24:3 struggle (1) 74:7 studies (3) 20:17 73:18 74:4 study (5) 15:4 20:18 73:16,21 74:1 stuff (5) 13:9 39:6 53:14 74:19,22 subcategory (2) 8:6 39:11 subcommittee (10) 7:4,8 8:7 9:8 9:11 10:2 23:1 24:3 31:20 78:2 subcommittees (13) 3:21,23 4:1,5 4:6 22:19 23:9,13,20 24:1,11,20 25:2 subject (5) 5:11 6:19 22:5 38:2 39:12 subpoenas (1) 60:22 subsequent (1) 32:20 subsequently (1) 30:19 substance (1) 64:25 substantiate (1) 64:12 substantiated (6) 15:22 18:13,22 72:17 78:25 79:8 substantiation (2) 11:20 15:23 subtlety (1) 7:14 subtract (1) 79:20 subtraction (1) 81:1 sue (1) 60:20 suggest (1) 84:7 suggestion (2) 29:7,10 suits (1) 75:6 summer (1) 59:24 supervise (1) 77:18 supervisor (1) 68:23 support (1) 33:24 supported (1) 33:3 supporting (1) 63:21 supportive (1) 26:6 supposed (5) 42:14 44:14 66:20 66:25 77:18 supposedly (1) 68:16 sure (14) 9:2 24:23 28:17,20 32:16 38:4 43:7 49:15 62:15 64:2 73:25</p>
---	---	--

**CCRB - Public Meeting - Final
August 13, 2014**

<p>76:21 79:12 84:9 suspect (2) 75:20 76:11 suspension (2) 77:8,9 sworn (1) 58:21 system (3) 26:18 40:10 52:10</p> <hr/> <p align="center">T</p> <hr/> <p>T (2) 86:4,4 table (3) 29:15 41:22 57:10 take (19) 7:15 9:24 13:22 20:8 24:10 32:12 33:7 34:12 43:6 47:17 52:1 61:22 62:18 65:2 74:23 77:22,25 80:11 84:19 taken (6) 10:1 68:21,23,25 69:6 79:6 takes (8) 30:20 31:9 42:23 61:12 61:12,13,14 82:15 talk (13) 11:2 12:11 15:1,3 22:9 35:18 42:2 43:23 45:19 55:17 57:16 71:17 72:7 talked (4) 4:2 36:15 58:15 62:11 talking (9) 29:25 47:7 58:12 63:4,6 64:15 73:2 74:12,14 talks (2) 51:2 56:23 Talya (3) 65:9 70:7,9 target (2) 42:16,17 Taylor (14) 2:3 7:9 10:6 21:24 22:6 22:10,15,25 23:3,8,16 24:4 39:14 49:18 technically (1) 64:4 technological (1) 52:15 teeth (1) 37:19 telephoned (2) 83:19 85:1 tell (22) 12:25 29:14 47:10,11 48:25 49:17 54:2 60:3 66:18 67:8 67:12,16,19,19 68:7,21,22,25 70:10 72:12 74:5 77:21 telling (3) 43:21 55:14 68:22 tells (1) 63:13 template (1) 13:19 ten (3) 35:24 60:3 63:14 terminated (1) 54:7 terminology (1) 23:11 terms (6) 20:17 57:18 59:14 63:18 63:19,24 terrible (1) 40:22 terrific (2) 57:6 61:8 testament (2) 38:5,12 thank (20) 5:19 10:21,25 15:12 21:2 23:16,17 37:12 41:18 47:2 51:8 64:20 65:4 70:6,7,18,20 71:13,14 75:2 thanks (2) 5:18,23 theory (2) 34:21 77:2</p>	<p>thereabout (1) 15:9 they'd (1) 80:4 thing (19) 8:2 12:20 26:11,12 34:11 40:20 43:9,23 45:8,9 59:10 60:8 61:10 62:11,13,18 67:3 68:13 73:22 things (31) 3:17 7:25 8:21 11:11 13:19 25:10 43:7 45:15 46:10 47:4,6 48:15 52:7 55:22 56:2,4,6 57:7 58:25 60:3,21 62:10 63:8,13 63:14,15,19 72:6 83:15 84:25 85:3 think (78) 3:19 5:2,21 6:2,5,6,14,23 7:14,16 9:17,19 11:10,13,14,17 12:7,16,20 13:1,23 15:6,11 21:19 22:20,21 23:11 24:1,4,18,22 25:1 26:1 27:15 28:10,12,24 29:10,23 33:22 34:11,17,20,21 36:6,10,12 36:16 37:12,18 38:5,12 39:4,14 40:25 41:8 45:20 47:6,13 48:14 51:9,19,20 53:24 55:25 56:16 57:1,24 63:9,11,15,20 76:17 82:17,19 83:9 84:8 85:6 thinking (2) 55:21,22 third (1) 61:10 thought (2) 6:12 75:1 thoughts (6) 21:12 29:18 33:14 41:19 55:19,23 thousand (1) 43:15 thousands (1) 49:4 three (6) 6:3 14:24 34:18 42:5 82:2 82:12 throwing (1) 74:24 thrown (1) 30:22 thrust (1) 30:2 tight (1) 4:7 time (21) 5:1,9 7:25 11:2 16:14 24:24 33:19 39:2 44:20 47:10,11 48:25 49:17 60:19 61:21 62:19 68:8 72:9 73:2,3,19 times (4) 9:23 42:25 43:4 50:17 timing (3) 44:15 75:19 76:14 tiny (1) 39:24 title (1) 8:12 today (1) 56:8 Tommy (3) 73:9,10,11 Tony (7) 7:1,3,9 8:7 9:12 52:20 57:22 Tony's (2) 37:6,7 top (1) 56:14 Tosceno (2) 2:5 5:25 total (9) 15:17,20 16:8,9 78:19 79:24 81:13,17,19 totality (1) 7:3</p>	<p>totally (2) 38:14 81:13 touch (2) 60:2,4 touched (1) 56:5 tough (1) 7:25 town (1) 40:22 tracking (1) 39:13 Tracy (12) 1:9 2:4 3:10 11:24 12:3 13:24 14:2 15:3,9 53:16 58:14 84:7 training (1) 20:14 trains (1) 75:17 transcript (1) 86:15 translate (1) 28:11 transparency (2) 29:25 36:10 transparent (3) 26:5 27:10 28:15 traumatized (1) 45:1 treated (2) 28:20 32:3 tremendous (1) 21:3 trial (8) 19:6 30:6,14 31:10 34:2 36:5 64:16 83:15 trials (5) 19:8,9,10,11 25:11 trouble (1) 59:10 troubling (1) 85:3 trucks (1) 57:19 true (4) 79:6 80:13 81:24 86:15 truncated (6) 82:6,13,17,18,21,24 truncation (4) 16:21,25 17:2,4 trust (2) 45:25 70:25 truthless (1) 46:1 try (8) 11:5 12:25 13:2 27:21 30:3 40:18 64:12 72:5 trying (12) 4:6 12:1 23:14 27:4,9 29:11 36:11 38:18 39:23 45:13 74:9 82:22 turn (4) 10:22 65:12 73:8,9 turns (2) 12:17 74:14 Twitter (1) 59:20 two (16) 9:18 14:24 16:19,23 25:10 41:4 50:21 69:5,7,21 75:15,18 77:23 81:10,16 82:11 type (6) 36:2 42:24 44:6,11,20 46:19 types (1) 8:4 typically (1) 30:4</p> <hr/> <p align="center">U</p> <hr/> <p>U.S (3) 38:11 75:13 77:3 ultimate (1) 40:7 ultimately (6) 13:8 27:22 31:21 37:21,25 49:17 umbrella (1) 75:13 unanimous (1) 24:10 uncomfortable (1) 44:4 undercover (3) 67:23 69:14 70:2</p>
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<p>underlying (1) 40:15 undermine (1) 35:12 undermined (1) 30:22 undermines (1) 78:11 undermining (1) 33:2 understand (12) 21:18 48:4,9 58:7 60:16 65:3 67:22 80:2 81:23 82:25 83:17 85:2 understanding (2) 36:6 41:11 understands (1) 76:24 understood (3) 25:1 27:6 34:6 undertake (1) 31:5 undertaken (1) 14:23 underway (1) 27:14 unequaled (1) 29:13 unfair (1) 28:22 Unfortunately (1) 52:23 unit (12) 17:19 18:25 21:24 22:18 29:5 30:5,11 34:1 38:6 42:4 50:3 68:24 unlawful (1) 19:22 unnerves (1) 53:12 unpredictable (1) 26:22 unsettled (1) 76:12 unsubstantiated (4) 72:16,21 73:12 74:16 up-the-chain (1) 35:4 up-to-date (2) 66:9 68:17 update (1) 20:17 upfront (1) 14:22 upper-level (1) 26:16 urgency (1) 78:2 use (2) 26:19 32:10 usual (2) 6:15 53:14 usually (2) 39:3 50:18 utter (1) 26:10</p> <hr/> <p style="text-align: center;">V</p> <hr/> <p>vacating (1) 31:23 vacation (6) 18:15 19:19,23 20:6 30:16 71:9 vague (1) 48:1 van (1) 52:21 vans (3) 51:24 52:6 57:6 varies (1) 39:2 various (1) 13:16 vehicle (1) 57:21 vehicles (1) 52:14 vein (3) 6:24 23:18 28:25 vendor (1) 84:18 venues (1) 51:20 verdict (1) 19:6 verdicts (1) 19:8 version (2) 41:8 56:12</p>	<p>viable (1) 28:3 victim (1) 72:23 Victims (1) 73:7 video (12) 15:6,7,7 21:1 46:11 48:16,19 54:16 58:19 74:13,13 74:16 videos (8) 43:1,2,2 46:7,8,12 70:24 71:4 videotaping (1) 58:16 Vietnam (1) 40:21 view (6) 8:23 14:14 25:4 27:18 33:3 64:1 viewed (1) 30:13 views (1) 28:3 violence (1) 76:2 virtually (1) 20:21 virtue (1) 30:22 vision (1) 62:21 volunteered (1) 6:12 volunteerism (1) 6:17 vote (4) 3:13 23:24 24:6 32:4 voted (2) 30:5,10</p> <hr/> <p style="text-align: center;">W</p> <hr/> <p>wait (1) 70:11 waiting (1) 59:5 wake (1) 22:8 walk (1) 42:13 walking (1) 57:3 walks (1) 61:15 want (49) 3:20 5:1 7:17,22,23 8:14 10:13,17 12:2,6 13:25 15:9 23:6 24:8,20,24,24 25:7,9,19 26:11 34:14 41:13,24 43:23 45:8 47:5 48:5,19,20 49:14 54:19 55:17,17 56:1,3 60:1 62:7,8 65:18 66:14 66:19 67:20,22 71:5,17 72:7 74:4 74:23 wanted (10) 22:20,21 29:20 33:19 42:1 49:23 73:16,17 75:15 81:5 wants (5) 5:6 12:25 28:16,20 37:22 warrant (1) 14:12 wasn't (5) 6:10 22:1,4 49:8 73:11 watched (2) 71:3 76:16 wave (1) 37:4 way (34) 4:15 6:25 7:15 12:8 23:14 25:7 26:6 32:6 34:22,24 41:6 47:20 48:20 49:16 51:19 57:17 59:14 60:5,6 61:11,11,11 62:9,24 69:15 70:1,2 72:20 77:24 78:20 80:21 81:15,25 86:18 ways (7) 14:8 25:15 26:7,22 27:9 37:14 82:2 we'll (8) 3:17 4:10 8:25 15:1 26:6</p>	<p>26:13 41:25 70:16 we're (40) 3:15 4:6 8:21 11:1,3,5,8 12:4,20 13:12 14:19 19:3,8 20:23 21:17 22:8 25:23 26:5 27:1 34:24 35:9 38:18 40:18 41:12 43:3 51:2 51:5,21 55:7,13 59:1 62:24 63:12 64:1 65:25 69:1 76:1 77:13 81:17 82:22 we've (17) 8:3 11:13 16:6,19 19:10 27:14 29:25 41:21 42:4 47:7 49:19 50:5,6,16 58:12,14 66:10 website (1) 46:11 Wednesday (1) 1:3 week (8) 15:5,8 20:25,25 25:13 55:18 61:18 77:9 week's (1) 3:22 weeks (1) 14:24 well-known (1) 49:7 went (7) 49:25 56:8 66:12 75:10 77:1 84:12,12 WHEREOF (1) 86:20 window (4) 68:2,3,11 74:25 windows (1) 77:2 wish (1) 24:16 withdrawn (2) 16:24 17:3 within-entitled (1) 86:14 witness (2) 48:6 86:20 word (3) 26:19,21 56:18 words (7) 6:4 9:4 31:25 32:2 34:14 34:19 76:10 work (24) 4:16 5:14 9:15 13:19 20:20 21:3 25:16 32:21 40:2,3,8 41:12 44:22 45:3 49:15,16 55:6 61:1,9 62:12 63:21 77:15 78:3,11 worked (3) 5:9 34:12 36:7 workers (3) 65:17 67:11,24 working (4) 4:22 58:4 59:1 60:17 workings (1) 76:24 works (1) 51:14 world (1) 59:18 worried (1) 46:9 worry (1) 54:23 worthy (2) 27:24 83:11 writing (3) 9:25 70:14,16 wrong (5) 6:6 44:15 46:3 69:16 82:3</p> <hr/> <p style="text-align: center;">X</p> <hr/> <p style="text-align: center;">Y</p> <hr/> <p>y'all (16) 43:6,18 44:19 45:3,19,20 45:25 46:1,5,11,15,17,20,24 47:1 68:18 yeah (3) 18:21 47:11 74:24</p>
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**CCRB - Public Meeting - Final
August 13, 2014**

<p>year (8) 15:21 16:3,8 17:14 42:24 50:3 54:21 57:13 year-to-date (4) 15:20,23 16:1 18:20 years (5) 42:5 58:12 69:5,21 73:23 yesterday (1) 26:14 Yoon (2) 2:7 9:12 York (9) 1:6,6,23 8:17,19 38:25 49:9 86:6,11 Yorker (1) 77:11 Yorkers (1) 56:9 young (3) 58:5,7 72:18 Youngik (2) 2:7 9:12 YouTube (1) 46:12</p> <hr/> <p align="center">Z</p> <hr/> <p>zero (2) 62:21,22 zone (1) 75:17</p> <hr/> <p align="center">0</p> <hr/> <p align="center">1</p> <hr/> <p>1 (15) 1:14 17:22 18:3,4,10,14,16 18:17 19:2 20:1,8 75:10,10 78:18 79:12 1-800-CCRB (1) 57:23 1,078 (1) 15:21 1,200 (1) 80:11 1,218 (10) 15:19 79:5,13,21,22,25 81:11,14,18 84:10 1,834 (1) 17:17 10 (3) 20:5 45:6 59:7 10.2 (1) 78:25 10:21 (1) 1:4 100 (2) 1:5 56:11 10007 (1) 1:6 101 (1) 16:4 10543 (1) 1:23 10th (1) 1:5 12 (2) 17:21 18:22 12-year (1) 60:1 12:06 (1) 85:9 120th (1) 42:7 13 (2) 1:3 19:13 139 (1) 1:22 14 (2) 16:1 72:15 14.4 (1) 15:24 14th (1) 86:21 15 (1) 19:19 155 (1) 15:22 16-year-old (1) 59:25 177 (1) 78:24 18 (5) 16:2 62:9 72:15 78:25 79:9 18-months (1) 17:21</p>	<p>1PP (1) 25:17</p> <hr/> <p align="center">2</p> <hr/> <p>2 (5) 1:15 18:4,18 19:16 20:11 2-fare (1) 75:17 2-hour (1) 26:14 2-percent (1) 17:10 2,605 (5) 17:10,16 81:17,18,20 2,662 (1) 17:11 2,703 (1) 16:10 2,739 (1) 16:11 2,907 (1) 15:20 20 (1) 75:9 2011 (3) 65:23,23 68:14 2013 (4) 15:16 17:4,7,24 2014 (15) 1:3 15:14,18 16:5 17:6 17:10,11,23,25 18:13,22 19:17 20:2,7 86:21 21 (1) 17:17 212.95.DEPOS (1) 1:23 215 (1) 19:1 21st (1) 59:21 223 (1) 17:19 23 (1) 19:15 23rd (1) 66:8 25 (3) 18:20 19:4,7 29 (2) 19:11 73:11</p> <hr/> <p align="center">3</p> <hr/> <p>3 (8) 1:16 18:6,9,9,13,15 19:5 42:23 3:00 (1) 50:18 30-something (1) 42:22 30s (1) 73:23 30th (1) 68:14 311 (1) 57:23 31st (1) 17:9 33 (1) 17:8</p> <hr/> <p align="center">4</p> <hr/> <p>4 (4) 1:17 18:14,14 42:23 4:00 (1) 50:18 40s (1) 74:2 43 (1) 19:10 44 (2) 17:6 19:12 442 (2) 15:14 84:13 46 (1) 75:9 465 (9) 15:19 78:19 79:15,20,24 80:12 81:12,21 83:1 47 (1) 17:3 488 (1) 16:7</p> <hr/> <p align="center">5</p> <hr/> <p>5 (6) 1:18 17:22 18:1 19:23 42:23</p>	<p>53:17 5-day (1) 54:6 50 (1) 39:3 50s (1) 74:3 510 (1) 15:17 517 (1) 16:7 52 (1) 75:9 548 (1) 17:16 57 (1) 17:5 58.5 (1) 18:20</p> <hr/> <p align="center">6</p> <hr/> <p>6 (3) 1:19 18:8 42:23 6:30 (1) 51:16 60s (1) 73:24 653 (4) 80:18,19,20,24 66 (1) 17:14 68 (1) 15:15</p> <hr/> <p align="center">7</p> <hr/> <p>7 (3) 1:20 18:7,9 70 (2) 17:18 26:2 753 (7) 80:22,22,25 81:3,6,8,14 75th (1) 57:10 776 (1) 84:10</p> <hr/> <p align="center">8</p> <hr/> <p>8 (5) 1:21 16:20 20:5 82:25 83:3 8:00 (2) 50:19 57:15 80s (1) 39:3</p> <hr/> <p align="center">9</p> <hr/> <p>9 (6) 16:21 17:20 19:9 78:18,24 79:7 9/11 (1) 74:21 90 (3) 61:21,21 62:5 90s (2) 39:4 75:10 914.381.2061 (1) 1:23 914.722.0816 (1) 1:24 94 (1) 17:13 95 (1) 16:2 953.3767 (1) 1:23 99 (1) 56:10</p>
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