

Civilian Complaint Review Board - Final  
April 26, 2016

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PUBLIC BOARD MEETING  
OF THE CIVILIAN COMPLAINT REVIEW BOARD

Tuesday, April 26, 2016  
6:30 p.m.

Civilian Complaint Review Board  
100 Church Street  
New York, New York 10007

VIDEO TRANSCRIPTION

Transcribed by: Jennifer Cassella

BEFORE:

DEBORAH N. ARCHER, Acting Chair

MINA Q. MALIK, ESQ., Executive Director

PUBLIC MEETING AGENDA:

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

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BOARD MEMBERS PRESENT:

Deborah N. Archer, Esq., Acting Chair

Bishop Mitchell G. Taylor

Youngik Yoon, Esq.

Lindsay Eason

Joseph A. Puma

Salvatore F. Carcaterra

I. Bennett Capers, Esq.

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Mina Q. Malik, Esq., Executive Director

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1 Proceedings

2 CHAIR ARCHER: I'm going to call  
3 this meeting to order. My name is  
4 Deborah Archer and I'm the Acting Chair of  
5 the Civilian Complaint Review Board. The  
6 Mayor has asked me to step in as Acting  
7 Chair given the recent resignation of  
8 Richard Emery earlier this month.

9 I'm happy to take on this acting  
10 role. The work of the CCRB is critically  
11 important and they've done amazing work  
12 over the past year, and I'm happy to  
13 work with Mina, my colleagues on the  
14 Board, and the rest of the staff to try  
15 to continue the work on this trajectory  
16 until a permanent Chair can be put in  
17 place.

18 I also want to take a minute before  
19 we get to the agenda to acknowledge that  
20 Debbie Zoland has resigned from the CCRB  
21 Board and to thank her for her time and her  
22 service and contributions to the CCRB.

23 So we're going to turn to the agenda  
24 and start with adoption of the minutes.

25 Does anyone have a motion to approve

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2 the minutes?

3 MR. CAPERS: I do.

4 CHAIR ARCHER: Any seconds?

5 MR. CARCATERRA: I second.

6 CHAIR ARCHER: All in favor of

7 adopting the minutes?

8 (Chorus of Ayes.)

9 CHAIR ARCHER: Any opposed?

10 (No response.)

11 CHAIR ARCHER: Any abstentions?

12 (No response.)

13 CHAIR ARCHER: The minutes have been  
14 adopted.

15 We're going to turn to a quick  
16 report. Sometime ago the Police  
17 Department asked for information about the  
18 individual votes of Board members, and at  
19 that time we requested further information  
20 from the Police Department and they've now  
21 provided some additional clarification  
22 about the nature of their request.

23 The Police Department would like the  
24 CCRB to release to the Police Department,  
25 complainants and the general public data

1 Proceedings

2 on how each individual CCRB Board member  
3 votes on complaints filed with the CCRB.  
4 The Police Department has also suggested  
5 that the CCRB could provide this  
6 information on a quarterly basis. This is  
7 a 180-degree change from the current  
8 practice where we do report the overall  
9 decision but not the vote of individual  
10 Board members, and there are certainly  
11 policy issues and legal questions that we  
12 as a Board need to discuss prior to  
13 responding to the request.

14 For example, the Police Department  
15 believes that this disclosure would  
16 actually enhance the work of the CCRB by  
17 promoting greater transparency and  
18 confidence in the work of the CCRB, and they  
19 also believe that this is consistent with  
20 the due process rights of individual police  
21 officers.

22 Other people have raised concerns  
23 including that the disclosure would  
24 undermine the ability of Board members to  
25 fairly and impartially consider the cases

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2 before them and concerns that Board  
3 members may feel pressured or intimidated  
4 in how they vote or in the type of penalty  
5 that they impose.

6 And finally, some have raised  
7 concerns that this change would undermine  
8 independence, rather than promoting it. So  
9 we've asked members of the CCRB staff to  
10 gather some information and to do some  
11 analysis. We're still waiting for some of  
12 that information and so we're not going to  
13 be able to take a vote and act on this  
14 until our Board meeting next month, but I  
15 wanted to update folks about the request  
16 from the Police Department and see if  
17 anyone had any comments or concerns they  
18 wanted to share at this point.

19 (No response.)

20 CHAIR ARCHER: So next we'll turn to  
21 the report from the Executive Director.

22 MR. CAPERS: Can I just ask a  
23 question? I'm sorry.

24 CHAIR ARCHER: Yes.

25 MR. CAPERS: Do we know why the

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2 Police Department is asking for this at  
3 this point in time, because you mentioned  
4 there's a 20-year practice of us not doing  
5 this?

6 CHAIR ARCHER: They haven't  
7 mentioned anything about -- explaining the  
8 reason for the request being made now, but  
9 we can certainly inquire as to why now.

10 Mina.

11 MS. MALIK: Thank you.

12 Good evening, everyone. I am  
13 Mina Malik. I'm the Executive Director of  
14 the Civilian Complaint Review Board.  
15 Tonight I'm going to discuss matters  
16 pertaining to the operations of our agency  
17 and provide you with highlights from our  
18 monthly statistical report. For a full  
19 review of the agency's monthly statistics,  
20 please visit our website.

21 I'd like to direct you to any one of  
22 the three screens in the room which has  
23 figure one up, in a few moments. In March,  
24 2016, the CCRB initiated 455 new complaints,  
25 which reflects an increase from 363 in

1 Proceedings

2 February. With regard to complaints  
3 received by type of allegation, comparing  
4 March, 2015 to March, 2016, complaints with  
5 a discourtesy allegation have decreased by  
6 1 percent; complaints with an offensive language  
7 allegation remain the same; complaints with  
8 an Abuse of Authority allegation have  
9 increased by 51 percent; and complaints  
10 with a force allegation have increased by  
11 34 percent.

12 In figure number two, the open  
13 docket analysis, in March, the CCRB's total  
14 open docket was 1,047 cases. By the end of  
15 March, 620 of these cases were in the  
16 Investigations Division representing 59  
17 percent of the total, up from 531 in  
18 February, 2016. Of the total docket, 284  
19 cases were pending Board and/or Executive  
20 Staff review, representing 27 percent, down  
21 from 331 cases pending review in February.

22 The mediation program handled 130  
23 cases representing 12 percent of the open  
24 docket, down from 137 cases in February.  
25 There were an additional 13 cases on DA



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2 hold in March. The March, 2016 docket  
3 includes 13 reopened cases, 11 of these  
4 cases are active investigations and 2 are  
5 pending Board review.

6 The CCRB continues to close its  
7 cases more efficiently. Of the cases that  
8 remain in the CCRB active dockets, 94  
9 percent have been open for four months or  
10 less and 99 percent have been open for  
11 seven months or less. These docket numbers  
12 continue to represent the best docket numbers  
13 in the agency's 23-year history.

14 Investigators closed 414 full  
15 investigations from January through March  
16 2016 compared to 586 for the same period  
17 last year, which resulted in 29 percent  
18 fewer full investigations. This number is  
19 down from January through March, 2015  
20 because the number of closed full  
21 investigations were artificially increased  
22 when old cases were requested to be closed  
23 within the first three months of 2015,  
24 after the reforms. This is also  
25 demonstrated as the number of closed full

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2 investigations from January through March,  
3 2014 was also 414 as it is in year-to-date  
4 2016. Year-to-date, the average days to  
5 close a full investigation has decreased  
6 54 percent from 2014 before the reforms.

7 In March, 2016, the CCRB fully  
8 investigated 23 percent of the cases it  
9 closed and resolved 33 percent of the cases  
10 it closed. The truncation rate was 65  
11 percent in March, 2016. This is primarily  
12 driven by complainant, victim, or witnesses  
13 being uncooperative which the CCRB is  
14 focused on in examining in order to  
15 decrease the number of truncations.

16 A few other key statistics for the  
17 month of March are found in figure three.  
18 Percentage of cases substantiated  
19 year-to-date: The March case  
20 substantiation rate was 25 percent, marking  
21 the twelfth straight month that the CCRB  
22 has substantiated more than 20 percent of  
23 its fully investigated cases. With regard  
24 to fully investigated allegations in March,  
25 the Board substantiated 7 percent of force

1 Proceedings

2 allegations, 22 percent of Abuse of  
3 Authority allegations, 4 percent of  
4 discourtesy allegations, and no offensive  
5 language allegations.

6 In figure number four, it  
7 demonstrates the substantiation rates for  
8 full investigations without video.  
9 Investigations with video evidence  
10 substantiated allegations in 48 percent of  
11 cases, compared to 16 percent of  
12 substantiated cases in which video was not  
13 available. The discipline rate for non-APU  
14 cases was 90 percent in March for cases in  
15 which police misconduct was substantiated  
16 by the Board and sent to the Police  
17 Department Advocate's Office with penalty  
18 recommendations. The Department decline-to  
19 -prosecute rate for non-APU cases, for this  
20 time period was 5 percent.

21 In March, the PC finalized penalty  
22 decisions against 15 officers, 9 of these  
23 were guilty verdicts, won by our  
24 Administrative Prosecution Unit, and the  
25 Administrative Prosecution Unit has

1 Proceedings

2 conducted trials against 47 officers  
3 year-to-date and trials against 15 officers  
4 in March.

5 Finally, in March, the CCRB created  
6 a mechanism to identify whether or not  
7 complaint incidents occurred in NYCHA  
8 locations. This the first time the agency  
9 has had this capability to do so. The  
10 Policy Unit is working on a forthcoming  
11 examination of this data with respect to  
12 complaint numbers, and in March, the now  
13 fully staffed outreach team conducted the  
14 highest number of outreach events in the  
15 history of the agency at 102 events, and  
16 Brian Connell will be able to give an  
17 outreach report shortly.

18 The outreach presentations included  
19 presenting at the 33rd precinct in  
20 Manhattan to new recruits who recently  
21 graduated, and this past month also saw the  
22 introduction of an interactive dashboard,  
23 specifically for the APU to assist the unit  
24 in keeping track of key statistics, similar  
25 to that in the Investigations Division. We

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are also working on our forthcoming annual report and our second issue-based report for this year, which will focus on the use of tasers.

CHAIR ARCHER: Thank you.

Does anyone have questions for Mina?

(No response.)

CHAIR ARCHER: I'm going to ask Brian Connell to come up and give a report from the outreach report.

MR. CONNELL: Good evening, everyone. For the outreach report, year-to-date presentations, as the Executive Director mentioned, we did achieve the highest since we recorded our presentations in 2011, and those were 102 presentations.

We -- presentations by borough: Of the 102 presentations in March, there were 33 in Queens, 24 in the Bronx, 24 in Manhattan, 2 in Brooklyn and 1 in Staten Island. We did manage to complete a significant percentage of the precincts citywide, 75 percent with 59 precincts in

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2           total in just three months. There were 18  
3           precincts out of the 77 which we have not  
4           yet gone to. Only 6 of them are really in  
5           high complaint areas, and 2 of those  
6           precincts were the 60 and the 84 with 67  
7           complaints in 2015.

8                   By organization, we continue to  
9           focus on some organizations of specific  
10          concerns to the CCRB, and we have increased  
11          the numbers of presentations for almost all  
12          types of organizations listed. You may  
13          refer to your outreach packet for a listing  
14          of those individual organizations that I'm  
15          referring to.

16                   There were a couple of notable  
17          events that occurred in March. There was  
18          the HMI LGBTQ Youth Summit in which it was  
19          hosted by City Council Speaker Mark  
20          Viverito, Council Member Daniel Dromm,  
21          Jimmy Van Bramer, and Carlos Menchaca, as  
22          well as the City Council LGBT Caucus. The  
23          CCRB did a tabling session and also did a  
24          workshop. At the HMI LGBTQ Youth Summit,  
25          there was also one in Manhattan that

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1  
2 occurred recently on the 16th, I believe,  
3 and we attended that and did a tabling  
4 session as well as a workshop.

5           The CCRB did a very significant  
6 event. It was a CCRB participated Delta  
7 Sigma Theta panel discussion on Know Your  
8 Rights, which was on March 26th. It was  
9 organized by the sorority Delta Sigma  
10 Theta, and hosted by Brooklyn Borough  
11 President, Eric Adams, and the Brooklyn  
12 Borough -- at Brooklyn Borough Hall.  
13 Members of the panel included CCRB  
14 Prosecutor, Nicole Junior; NYPD Deputy  
15 Chief of Brooklyn North, Rodney Harris;  
16 Kings County Supreme Court criminal team,  
17 Judge Shawndya Simpson; Criminal Court  
18 Judge, Joanne Quinones; Bronx Defender  
19 Attorney, Scott Levy; and New York  
20 District -- New York County ADA,  
21 Janine Gilbert. Nicole did a very dynamic  
22 and insightful presentation and her  
23 responses to the panel expanded on the  
24 virtues and benefits which the CCRB  
25 investigative and prosecutorial

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2 process have for civilians, officers, and  
3 the community at large. Our Executive  
4 Director, Mina Malik was in attendance, as  
5 well as the Borough President Eric Adams  
6 himself.

7 There were also teenagers in  
8 attendance, which made up a significant  
9 percentage of the audience that day. The  
10 Borough President gave a very important  
11 speech, specifically addressing teenagers,  
12 imploring them to heed the messages and  
13 embrace the information that was presented  
14 by the panel members in regard to law  
15 enforcement and judicial system that they  
16 were affiliated with.

17 We looked into -- at the last Board  
18 meeting, the question was raised about  
19 training and I think, Mr. Eason, you had  
20 specifically raised that so we definitely  
21 delved into that. The Executive Director  
22 and the Chief of Investigations,  
23 Thomas Kim, had contacted the appropriate  
24 personnel at NYPD in regards to training  
25 the recruits at the Academy, CCRB training



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2 for those recruits, and we are hopeful that  
3 this effort will establish CCRB's  
4 presentations given by CCRB personnel  
5 as a permanent recurring component of the  
6 training curriculum for new recruits. So  
7 we have made some headway on that.

8 There were other efforts as well  
9 with regard to training. I spoke to  
10 Sergeant Dunnigan at the NYPD Recruitment  
11 Training Center who was under the  
12 impression we had some in-roads and were  
13 doing this on a recurring  
14 basis. So he referred me to  
15 Chief Samuel Wright in the Scheduling Unit  
16 of the NYPD Training Center and he  
17 was -- is agreeable to having us present to  
18 the new recruits in the latter stages of  
19 their training process. So the new  
20 recruits that began in January, they will  
21 graduate in June, and we will most likely  
22 be able to give a presentation at that  
23 time. So he's very much amenable to having us  
24 be part of the curriculum.

25 CCRB, we also went a little bit

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2 further and we contacted -- we were in  
3 touch with the 33rd precinct in Manhattan  
4 and they allowed us to give presentations  
5 to recently graduated recruits and those  
6 were the only officers in the room and our  
7 Director of Outreach, Raniece Medley, gave  
8 a presentation to that group and they were  
9 very receptive and appreciated the  
10 information we're giving to the public  
11 which talks about how they should interact  
12 with police officers and better explain the  
13 purpose a police officer may have for  
14 interacting and why their cooperation, or at  
15 least their openness to that encounter bodes  
16 well for both the officer and the civilian. So  
17 they did raise concerns about the CCRB's  
18 dispositions and how that reflects on the  
19 officers, but they were very much agreeable and  
20 appreciated our outreach efforts, and they see  
21 how that would actually bode well for  
22 interacting with the -- with civilians.

23  
24 We are looking into NYCHA outreach  
25 as well and we're working with the Chair of

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2 NYCHA, Shola Olatoye and her Executive  
3 team, and we are working on scheduling a  
4 way of using NYCHA's channels to  
5 disseminate -- of disseminating information  
6 to include our information as well. So we  
7 are going to explore different avenues that  
8 they're having so that we don't have to  
9 sort of recreate the wheel ourselves and  
10 create new channels that disseminate the  
11 same information. So by way -- the same  
12 way they are distributing their brochures  
13 and their material, we will do the same  
14 under the same -- with the same efforts,  
15 and they're very much agreeable and see how  
16 our information can also help them assess  
17 what the police activities are like within  
18 NYCHA developments. So as much information  
19 as we can share with them we'll do that to  
20 give them some perspective or some  
21 assessment of how policing is being done in  
22 NYCHA developments. And that concludes my  
23 report.

24 CHAIR ARCHER: Thank you.

25 Does anyone have any questions about

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2 the outreach report?

3 MR. CAPERS: About the, I think it  
4 was the Know Your Rights session, it  
5 sounded pretty interesting and I'm just  
6 wondering was it videotaped, and if so,  
7 might that be something that might be  
8 useful to link to -- on CCRB's website?

9 MR. CONNELL: It was not videotaped  
10 and we were told not to videotape it so we  
11 did not.

12 MR. EASON: I would like to  
13 acknowledge and thank Brian and his team  
14 for the amazing work that they're doing,  
15 especially in getting into the Police  
16 Academy. I believe it will have an  
17 enormous impact on exposing the good work,  
18 what we do down here at the Board. And I'd  
19 also like to thank the entire Board for  
20 supporting that effort, especially Joe Puma  
21 and Bishop Taylor. It was last time, I  
22 think we sent you a couple of e-mails, and  
23 it's good to see it's on your agenda on a  
24 reoccurring basis. Thank you very much.

25 MR. CONNELL: You're welcome.

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CHAIR ARCHER: Thank you.

MR. PUMA: I have a comment about the NYCHA piece, and I'm not sure if you mentioned this in the report since I came in during the middle of it, my apologies, but I also noticed that the Manhattan Youth Summit with the Hetrick-Martin Institute was recently and that was an opportunity that certain Manhattan Council Members had connected me to and wanted the CCRB to be involved in, so I was pleased that that finally happened.

And regarding NYCHA, I was happy to hear about your meeting with the Executive staff and, you know, just anecdotally, speaking as a NYCHA resident myself, my Resident Association President, for example, has been so interested in making the CCRB known to residents that she is actually -- she requested material to be posted on bulletin boards in our development and just anecdotally, and this isn't scientifically proven, but I've seen -- I've come across some complaints

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2 from my development and I've always checked  
3 to see if these are people I know or don't  
4 know, of course, when I'm voting on those  
5 complaints, but, I mean, I think that can  
6 have an impact. And not all NYCHA  
7 developments have bulletin boards in their  
8 lobbies but mine is an exception and that  
9 has been utilized and I would say, you  
10 know, I would venture to say that that's  
11 actually been effective.

12 MR. CONNELL: So with regard to the Manhattan Youth  
13 Summit, I was leaving that for next month's report,  
14 when we report on April, but we did attend.

15 We did a workshop and a tabling session.

16 The speaker herself attended, as well as  
17 Council Member Menchaca, so we were able to  
18 introduce ourselves to them and show them  
19 that we are supportive of the LGBTQ  
20 community and that we are proceeding with  
21 the series of youth summit. The next one  
22 will be in Staten Island. We'll also

23 be -- we'll have a presence there as well.

24  
25 With regard to NYCHA, we have met

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2 with several Resident Association  
3 Presidents and we are well-connected with  
4 them and we maintain a relationship with  
5 them and the outreach staff, and they have  
6 also disseminated information to them  
7 directly. They've asked for lots of  
8 brochures. We've sent it out to them.  
9 We've gone to their resident association  
10 meetings, and they sometimes are attended  
11 by PSA officers themselves.

12 So it's really -- we have really  
13 established a relationship with the NYCHA  
14 presidents we've had, but we wanted to  
15 somehow -- we wanted to actually include  
16 the Chair of NYCHA herself so that she  
17 understands the effort that we're taking  
18 and it's more of a coordinated role, rather  
19 than going out and piecemeal the different  
20 developments. They already have a system  
21 in place of disseminating information,  
22 communicating to staff, so as well as we're  
23 doing it on our end, meeting with the NYCHA  
24 resident -- presidents ourselves, we think  
25 it's an -- even a much quicker and more

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2 expedient way to get to many more of them  
3 by using the channels that NYCHA has.

4 So we're really, really helpful  
5 that -- grateful that Chair Olatoye is  
6 really helping us with that effort.

7 MR. PUMA: And I hope that some of  
8 the data that we're collecting and our new  
9 capacity to even track the incidents around  
10 NYCHA -- in and around NYCHA developments  
11 could possibly lead to, as I suggested a  
12 few months ago, possibly some sort of  
13 substantive report or review of these  
14 incidents if there's any significant  
15 trends.

16 THE WITNESS: And we're working on  
17 that.

18 CHAIR ARCHER: Thank you.

19 MR. CONNELL: You're welcome.

20 CHAIR ARCHER: We didn't have anyone  
21 sign up in advance for public comment, but  
22 if there is a member of the public who  
23 would like to make a comment, we welcome  
24 you to do that now.

25 (No response.)



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2 CHAIR ARCHER: Is there any member  
3 of the Board who would like to raise any  
4 new business or bring up old business?

5 MR. CAPERS: Are we about to end?

6 CHAIR ARCHER: Short -- soon.

7 MR. CAPERS: Okay.

8 CHAIR ARCHER: Do you have something  
9 you wanted to --

10 MR. CAPERS: Well, just before we  
11 end, I just wanted to sort of say we should  
12 all -- we all want to sort of congratulate  
13 you and thank you for sort of like, you  
14 know, stepping up to the plate and being  
15 the interim Chairperson. So since nobody  
16 said it, I'm going to say it.

17 (Applause.)

18 CHAIR ARCHER: Thank you.

19 So before we end, one of the first  
20 things I did as interim Chairperson is took  
21 a vote prematurely. So we took a vote on  
22 the minutes before Joseph arrived and we  
23 didn't have a quorum, so now that he's  
24 here, we're going to take a re-vote on the  
25 approving the minutes.

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2 So can I have a motion to approve  
3 the minutes again?

4 MR. CAPERS: So moved.

5 CHAIR ARCHER: And a second?

6 MR. CARCATERRA: Second.

7 CHAIR ARCHER: All in favor of  
8 approving the minutes?

9 (Chorus of Ayes.)

10 CHAIR ARCHER: Opposed?

11 (No response.)

12 CHAIR ARCHER: Abstentions?

13 (No response.)

14 CHAIR ARCHER: Thank you.

15 And now we're going to move into  
16 Executive Session to discuss some  
17 subpoena-related matters and some issues  
18 related to specific cases.

19 So can someone make a motion for us  
20 to adjourn the public meeting and move into  
21 Executive Session?

22 MR. CAPERS: I'll make a motion.

23 CHAIR ARCHER: Second?

24 MR. CARCATERRA: I'll second that.

25 CHAIR ARCHER: All in favor?

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(Chorus of Ayes.)

CHAIR ARCHER: All opposed?

(No response.)

CHAIR ARCHER: Thank you.

The meeting is adjourned. Thank you  
very much for coming.

(Whereupon, the meeting is  
adjourned.)



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