

Civilian Complaint Review Board-Final
September 14, 2016

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Public Board Meeting
Of the Civilian Complaint Review Board
Wednesday, September 14, 2016

6:37 p.m.

100 Church Street
New York, New York 10007

MAYA D. WILEY, ESQ., 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
- Monthly Report
Outreach Report
5. Public Comment
6. Old Business
7. New Business

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BOARD MEMBERS PRESENT:

Maya D. Wiley, Esq., Chair

Deborah N. Archer, Esq., Board Member

Youngik Yoon, Esq., Board Member

Lindsay Eason, Board Member

Joseph A. Puma, Board Member

Salvatore F. Carcaterra, Board Member

Ramon Peguero, Esq., Board Member

Frank J. Dwyer, Board Member

Mina Q. Malik, Esq., Executive Director

SPEAKERS:

Mr. O'Grady

Chris Dunn

Jose LaSalle

Shannon Jones

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2 CHAIR WILEY: Good evening. I call
3 this meeting of the Board of the Civilian
4 Complaint Review Board to order. It's
5 6:37. Welcome, everyone. Thank you for
6 being here. Thank you, staff, for all the
7 hard work you did to pull this together.

8 I will start with adoption of the
9 minutes from the last board meeting.

10 Do I have a motion?

11 MS. ARCHER: I move.

12 CHAIR WILEY: Thank you.

13 Do I have a second?

14 MR. DWYER: Second.

15 CHAIR WILEY: All those in favor?

16 (Chorus of Ayes.)

17 CHAIR WILEY: Any opposed?

18 (No response.)

19 CHAIR WILEY: Any abstentions?

20 MR. PEGUERO: Aye.

21 CHAIR WILEY: One abstention. Thank
22 you. Okay. Thank you.

23 I have only a very short report
24 tonight. I, one, want to say that I've had
25 the great fortune to meet individually with

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2 every board member. I am both humbled and
3 privileged to be working with such a
4 committed, smart and engaged, hardworking
5 group of people. I have been so impressed
6 in the short amount of time that I've been
7 on the Board with the seriousness that each
8 and every board member takes their role on
9 the board with their attention to detail on
10 the panels, the both honest and robust
11 conversation that we are able to have with
12 regard to the cases, and really the
13 commitment and dedication to the people of
14 the City of New York, so I really want to
15 thank the Board. And the Board's been
16 doing a tremendous amount of work, even
17 just in the short period of time that I
18 have been here, so thank you for that.

19 Some themes that are emerging in the
20 conversations that I've been having
21 individually with the board that I think
22 provide a real opportunity for the Civilian
23 Complaint Review Board that I hope to be
24 engaging more with with the board but also
25 as I turn to conversations with some of our

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2 stakeholders that are external to the
3 Review Board, I'm really looking forward to
4 delving in on, one is, you know, the fact
5 that in this past year we've had some real
6 success and improvements in our mediation
7 rates and the success of mediation, and I
8 think that's really exciting because it's
9 both beneficial to folks who file
10 complaints as well as to police officers
11 who are subject to complaints. If when
12 they are appropriate for mediation, we are
13 mediating them effectively, so I really
14 want to congratulate the staff for that,
15 but I also think there's an opportunity to
16 build on that success. It's one of the
17 things I've heard from a number of board
18 members as an opportunity. It's one of the
19 things I'll be talking with other
20 stakeholders about.

21 I also have both been impressed by
22 the amount of outreach. Obviously there's
23 been a tremendous amount of increase in the
24 outreach of the agency, particularly over
25 the past year. I think that's something

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2 board members are very excited about and
3 I've heard a lot of interest in ways to
4 both better understand the impact of that
5 outreach, but also to figure out more ways
6 to utilize that kind of outreach, and some
7 of the interesting and important things that
8 the staff has already begun to do to take
9 conversations with the public to another
10 level because I think that's something that
11 the board can continue to do.

12 One of the things that in talking to
13 board members I'm looking forward to doing
14 is thinking through how we can use these
15 public meetings even more actively. I
16 think we have heard from the public
17 periodically on some important and global
18 questions that come up about sometimes it's
19 about the role and the function of the
20 CCRB, sometimes it's actually ideas or
21 things that the public would like to see.
22 There's more of an opportunity for us to
23 use these board meetings to be responsive
24 to those kinds of requests. One being, for
25 instance, the dialogue around policing. I

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2 think we heard, my first board meeting I
3 heard, I believe it was from Chris Dunn,
4 the potential to use the forum that we have
5 to have more dialog about policing. I
6 think since it's our role as a Civilian
7 Complaint Review Board to being working to
8 improve police community relationships
9 because we have public meetings, because we
10 have so many engaged stakeholders, there is
11 an opportunity for us to use our public
12 meetings that way and that's something I
13 look forward to discussing more both with
14 the board but also, again, with external
15 stakeholders.

16 Otherwise, I think we've already got
17 a great public record on some of the
18 exciting successes of the Civilian
19 Complaint Review Board. I think it's also
20 clear to me that obviously there are lots
21 of ways we can continue to build on those
22 successes and continue to increase the
23 effectiveness of the CCRB. Again, I look
24 forward to talking to external stakeholders
25 more at this point now that I've had so

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2 many wonderful internal conversations, and
3 I really look forward to working with this
4 board more to both kind of set the policy
5 and priorities for the agency to continue
6 to build its role and effectiveness, and
7 look forward to speaking with many of you
8 who are here into the audience but also
9 stakeholders who aren't.

10 I will conclude my report there,
11 give the board an opportunity to either
12 make any comments or ask any questions
13 about that report.

14 (No response.)

15 CHAIR WILEY: Okay. Thank you.

16 With that, I will turn it over to
17 our esteemed Executive Director.

18 MS. MALIK: Thank you.

19 Good evening, everyone. My name is
20 Mina Malik and I'm the Executive Director
21 of the Civilian Complaint Review Board.

22 Note that the October Board Meeting
23 will take place and is currently scheduled
24 for Wednesday, October 12th, and hopefully
25 we'll be here at the CCRB office at

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100 Church Street. I'm going to discuss matters pertaining to the operations of the agency and provide you with highlights from our monthly statistical report. Our full report is on our website.

I would like to direct your attention to one of the three screens in the room. Figure one: In August, 2016, the CCRB initiated 390 new complaints which reflects an increase from 346 in July. With regard to complaints received by type of allegation, comparing August, 2015 to August, 2016, complaints with a discourtesy allegation have decreased 18 percent, complaints with an offensive language allegation have increased by 40 percent, complaints with an abuse of authority allegation have increased by 7 percent, and complaints with a force allegation have decreased by 32 percent.

In figure two, the open docket analysis: In August, the CCRB's total open docket was 1,082 cases. By the end of August, 624 of these cases were in the

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2 Investigations Division representing
3 58 percent of the total, down from 629 in
4 July, 2016. Of the total docket, 319 cases
5 were pending Board and/or Executive Staff
6 review, representing 29 percent, up from
7 276 cases pending review in July. The
8 mediation program handled 124 cases,
9 representing 11 percent of the open docket,
10 up from 112 cases in July. There were an
11 additional 15 cases on DA hold in August.
12 The August, 2016 docket includes 12 reopened
13 cases, 10 of these cases are active
14 investigations and 2 are currently pending
15 board review.

16 The CCRB continues to close its cases
17 more efficiently. Of the cases that remain
18 in the CCRB active docket, 94 percent have
19 been open for four months or less and
20 99 percent have been open for seven months
21 or less. These docket numbers continue to
22 represent the best docket numbers in the
23 agency's 23-year history.

24 Our investigators closed 1,055 full
25 investigations from January through August,

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2 2016. Year-to-date the average days to
3 close a full investigation has decreased
4 56 percent from 2014 before the reforms.
5 In August, 2016, the CCRB fully
6 investigated 29 percent of the cases it
7 closed and resolved 33 percent of the cases
8 it closed. The truncation rate was
9 65 percent in August, 2016. This is
10 primarily driven by complainant, victim or
11 a witness being uncooperative with the
12 agency, and the CCRB is focused on
13 examining this phenomenon in order to
14 decrease the number of truncations.

15 A few other highlights: If you look
16 at figure three, with regard to fully
17 investigated allegations in August, the
18 board substantiated 5 percent of force
19 allegations, 10 percent of abuse of
20 authority allegations, 4 percent of
21 discourtesy allegations, and no offensive
22 language allegations. Investigations with
23 video evidence substantiated allegations in
24 23 percent of cases compared to 12 percent
25 of substantiated cases in which video was

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2 not available. Furthermore, 10 percent of
3 video cases were exonerated against
4 22 percent of non-video cases; 6 percent of
5 video cases were unfounded against 6
6 percent of non-video cases; and
7 significantly only 58 percent of video
8 cases were unfounded against 58 percent of
9 non-video cases.

10 The discipline rate for non-APU
11 cases was 90 percent in August for cases in
12 which police misconduct was substantiated
13 by the board and sent to the Police
14 Department Advocate's office with penalty
15 recommendations. The Department decline
16 to prosecute rate for non-APU cases in
17 August was 8 percent.

18 In August, the Police Commissioner
19 finalized penalty decisions against 11
20 officers in APU cases; 4 were resolved by a
21 plea, 4 were not guilty after trial, 1 was
22 guilty after trial, 1 was a police set
23 aside with Command Discipline A, and 1 was
24 retained by the Department without
25 discipline. The APU has conducted trials

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2 against 90 officers year-to-date and trials
3 against 7 officers in August.

4 Finally, the summer saw the
5 introduction of an interactive dashboard,
6 specifically for our Mediations Unit to
7 assist the unit in keeping track of key
8 statistics, similar to that already created
9 for our Investigations Division and
10 Administrative Prosecution Unit.

11 The agency will soon be releasing
12 its semiannual report and unveiling its new
13 website. Our new website will have a new
14 section entitled "The Data Transparency
15 Initiative", or DTI, in which visitors can
16 view and interact with CCRB data in ways
17 that are engaging and machine readable for
18 all New Yorkers and that is within the
19 parameters and in accordance with Civil
20 Rights Law Section 50-a. The Data
21 Transparency Initiative is our agency's
22 response to an overwhelming request for
23 more CCRB data and the public's demand for
24 greater transparency, and so we hope to be
25 releasing that soon and I'm very excited

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2 about it. The staff has worked extremely
3 hard on building this Data Transparency
4 Initiative and working on the semiannual
5 report.

6 CHAIR WILEY: Thank you for that
7 report. I want to both congratulate you
8 for the upcoming website. It's very
9 exciting, particularly the DTI.

10 And I will open it up. Board
11 Members have any questions or comments on
12 the Executive Director's report?

13 (No response.)

14 CHAIR WILEY: All right. Having
15 heard none, thank you.

16 We now have an outreach report.

17 MS. MEDLEY: Good evening.

18 CHAIR WILEY: Good evening.

19 MS. MEDLEY: In August, 2016, the
20 outreach team completed 100 events, raising
21 the yearly total to 766 events which
22 continues to represent the highest number
23 of events on record for the agency. Of the
24 100 presentations in August, we completed
25 33 events in Brooklyn, 28 in Queens, 20 in

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2 Manhattan, 17 in the Bronx and 2 in Staten
3 Island.

4 NYCHA Family Days were plentiful in
5 August, including Family Day at Campos
6 Plaza in Manhattan where we were joined by
7 Board Member Joseph Puma and his mother.
8 August also featured National Night Out
9 events sponsored by precincts throughout
10 the City. The precincts on Staten Island
11 hosted a joint National Night Out on the
12 Midland Beach Boardwalk, attended roughly
13 by 300 folks where we tabled and
14 distributed CCRB literature.

15 On August 29th, Brian Connell and I
16 conducted a brief presentation for the
17 PSA 2, four to twelve roll call in East New
18 York at the request of training Sargent
19 Abraham. We gave a condensed overview of
20 the agency and our services, and shared
21 with them the work that we do throughout
22 the community to educate citizens on police
23 misconduct -- on police conduct, rather,
24 and deescalation. We had an attentive
25 audience who even requested the Know Your

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2 Rights handouts that we distribute
3 throughout the community. We were invited
4 back to address other roll calls at that
5 command and asked to partner with their
6 community outreach division in the future.

7 CHAIR WILEY: Questions from the
8 Board or comments?

9 (No response.)

10 CHAIR WILEY: I just have one. I
11 mean, just looking in your
12 statistics -- one, congratulations,
13 obviously, for so much outreach work and I
14 want to appreciate the work that you've
15 done to update the intake form as well so
16 we have -- start to have a way of tracking
17 how people are coming to us and
18 whether -- and the role that outreach is
19 playing in that.

20 Can you just say a little bit more
21 about, because we have 43 percent of the
22 outreach with government and just in terms
23 of the balance of why so much government
24 versus educational institution or religious
25 institution?

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MS. MEDLEY: Absolutely, and that should be noted. If you look at the last few pages of the outreach report, you'll notice that each month we give a detailed listing of the events that we actually have conducted and there are organization type and then there's a specific organization type indicated that gives better detail about where we're presenting. You will see that at times, schools had been kind of lumped in with -- as opposed to being marked as educational institutions, they were tracking under government institutions. And then also when we developed -- when we were visiting NYCHA developments, those were tracking as government.

So what we've actually done is added a second column to both the general organization type and the specific organization type so that we can better reflect the types of organizations we're touching. So, for instance, we presented to a probationary group of youth. Before

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we had to select did we want to track that as a youth group or did we want to track that as a probationary group, and now we're able to have that enhanced reporting so that we can better reflect the groups that we're touching.

CHAIR WILEY: Thank you. Thank you for your report.

MS. MEDLEY: Thank you.

CHAIR WILEY: Okay. We are now at the section of the meeting for public comment and we do have a list of people, and the first on my list, I will -- according to my list, we only have three speakers and we are a little ahead of time so I'm going to allow a little more time for speakers. So I'm going to give you seven minutes instead of five.

So, Mr. O'Grady.

MR. O'GRADY: I thought there was someone else ahead of me on the list?

CHAIR WILEY: Not according to the list I have.

MR. O'GRADY: Discuss information

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2 provided at the tomb of Ulysses S. Grant
3 and his wife Julia -- Julia Dent Grant.
4 Also, Mary Surratt, sex partner -- sex
5 partner, John Wilkes Booth. Mary Surratt.
6 Information provided at the tomb of Ulysses
7 S. Grant, Julia Dent Grant, sex partner
8 John Wilkes Booth. Booth shouted out with
9 Grant's authority, Mary Surratt has to go
10 into a conference with a Roman Catholic
11 priest, Roman Catholic priest, in which
12 information provided by Grant's tomb was
13 denied. "And Donis my pheces [sic]," sold
14 this location, sold this location to
15 Ester Schekman (phonetic), white woman.
16 Ester Schekman, white woman.

17 Earnest F. Hart -- Earnest F. Hart,
18 H-A-R-T, led this board -- Earnest F. Hart
19 led this board -- Ester Schekman item came
20 up -- Ester Schekman -- Ester Schekman
21 crashed a tenants meeting being held in the
22 lobby at this location. Ester Schekman
23 crashed through the seated assembly
24 shouting, "Ester Schekman, owned
25 building."

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2 A black woman assisted Ester Shekman
3 off property. Ester Schekman -- Ester
4 Schekman sold this location the following
5 week to her negro porter, negro porter.
6 District attorney in Harlem indicated, "And
7 Donis my pheces", is a Greek name.

8 CHAIR WILEY: Thank you,
9 Mr. O'Grady.

10 Next is Chris Dunn.

11 MR. DUNN: Good evening.

12 CHAIR WILEY: Good evening.

13 MR. DUNN: So Maya, I appreciate
14 your talking about the opportunities of
15 the public meetings to talk about policing
16 and I want to encourage that. It's
17 something I say regularly at meetings. I
18 guess this is not the first meeting but I'm
19 hoping that the next meeting will be the
20 first meeting.

21 A couple of things that you raised
22 substantively, you talked about in terms of
23 the public meetings and outreach and I
24 think that's important. The agency, you
25 know, doing public outreach is very

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important. I will tell you that, as far as I'm concerned, the last 30 days have been a disaster of almost historical proportions for the CCRB because of this 50-a dispute and I'm a little surprised nobody on the board is raising the issue about the 50-a dispute.

Mina, you and your remarks eluded to it in the Data Transparency Initiative, which I'm happy to hear about, although it's a little bit ironic in the current environment because I can tell you that for much of the community, for them to see day in and day out, press reports about a fight in which the CCRB is keeping from public view, information about the single most notorious episode of police misconduct in the City of New York in the last several years, it looks really bad and it is bad. And I am just saying to you folks, you need to confront that and I understand there are lawyers on the 6th floor who might have arguments about 50-a. I think those are wrong. I don't know if those arguments are

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2 coming from Zach, I don't know
3 if they're coming from City Hall, but I
4 just want to urge you to recognize that you
5 as the public agency that deals with
6 civilian misconduct and have a mission to
7 support the public and to inform the public
8 about police misconduct, this has been a
9 really bad few weeks.

10 A second issue that's been in the
11 news, I'm sure you all saw, is the
12 Department of Correction announced that
13 they are going to start arming certain
14 corrections officers with tasers. Just to
15 remind you, you folks have a taser report
16 that has not yet seen the light of day. I
17 think we're going on month three or month
18 four where I've asked questions about this.
19 You know, I don't know what's going to
20 happen with that report. I just want to
21 say to you that again, in terms of the
22 public, and in terms of outreach, and in
23 terms of legitimacy of the CCRB, it's not
24 good and there's been a New York Times
25 story about this, there's been a Daily News

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story about this. Everyone knows you have a draft taser report. It's got to come out.

On a less contentious issue, there continue to be a number of board vacancies. Maya, I don't know if you have any sense as to when you're going to -- you and your colleagues will have a full complement of people. I will just say that I know that you as board members, the fewer board members there are, the more of a burden you carry in terms of panels, but I also just think in terms of representation on the board. I mean, we have a full complement of department representatives as we almost always do. We have basically a half complement of non-department representatives. That's not a good picture. So Maya, I know you have no control over this, but maybe some of your friends at City Hall could try to do something about that.

Finally and perhaps least interestingly, but I do want to comment

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2 about the monthly report and the
3 statistics, and the first thing I will say
4 is Mina, you mentioned it's on the website.
5 I appreciate that. At 3:30 this afternoon
6 it was not on the website, and I just want
7 to say and I've said this several meetings
8 and it's a technical thing, but there's no
9 reason not to put it on the website earlier
10 so people who have an interest in this
11 which may be a universe of one, but I'd
12 like to be able to look at the report
13 before I get here and I think for the
14 public it would be nice to put it up before
15 the meeting starts.

16 With respect to the particular
17 numbers, several months ago we had an
18 exchange, and Maya, this might have been
19 before your time. I was noting the
20 continuing very high level of substantiated
21 complaints and a member of your staff stood
22 up and said the single most important
23 statistics as far as we are concerned when
24 it comes to police misconduct is the number
25 of complaints that we receive. I don't

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believe that, I don't accept that, but I just want to note and I've said this several times before, you folks never talk about the statistic you claim to be the single most important statistic.

Complaints for the year are up 7 percent. I don't assign significance to that but you apparently do. I'm always troubled when I come in here and I hear a presentation about the ostensibly most important statistics of the last month and of the year and nobody mentions the report -- the statistic that you consider to be the most important.

Secondly, truncations, 65 percent last month. I'm not assigning a significance to the month. I am just saying the truncation rate continues to be enormous and I hear month in and month out the statement, "The agency is looking at the truncation rate." I've been hearing that for I don't know how long, and I'm just saying to you, you got to stop looking at it and you got to come up with some

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2 conclusions and do something about it
3 because when you are only completing
4 investigations in what, something like
5 29 percent of your cases this month, some
6 alarm should be going off saying, wait a
7 second, what is going on, why are so few of
8 our cases getting through a full
9 investigation?

10 And then the final thing I will note
11 is, you know, there is this continual
12 decline, as I see it, in the level of the
13 disciplinary recommendations being made by
14 the agency. The charges percentage is now
15 down year-to-date to 13 percent. So I'm
16 not saying what is a correct level of
17 certain levels of discipline. I just know
18 that there's been a dramatic reduction in
19 the recommended discipline that the agency
20 is making over time and that is a source of
21 concern to me, and to me, when I hear
22 statistics, and I'm not saying it was said
23 tonight, it wasn't, but this agency has
24 taken great pride in the percentage of
25 cases in which the Department has agreed

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2 with the agency and from my perspective,
3 the phenomenon that reflects is you
4 are just recommending less, and less, and
5 less discipline. And unless the types of
6 cases are you substantiating are changing
7 dramatically, and I do not think that is
8 the case, I think you need to be looking at
9 the recommendations you are making.

10 The final thing I will say -- I said
11 that before, Maya, but one final thing I
12 did want to say, mediation. Mediation is a
13 topic we've been around the block on many,
14 many times. I appreciate, Maya, you're
15 saying that you have an interest in
16 mediation. I have heard that year in and
17 year out and new people come in and they
18 say we want to do mediation. I note that
19 so far this year you have more unsuccessful
20 mediations than you have successful
21 mediations, and I think that before anyone
22 starts spending a lot of time thinking
23 about how do we get more cases into
24 mediation, I think you need to look closely
25 at that process and figure out how do you

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2 have a greater percentage of successful
3 mediations in the cases you are already
4 putting in there. Thank you.

5 CHAIR WILEY: Thank you.

6 I will quickly respond to a couple
7 of the points you made, Chris, just because
8 I think they're important. One, just as a
9 point of fact, the Law Department actually
10 for the City is the one that makes the
11 legal judgments on interpretations of
12 statute. As you know, 50-a is a matter of
13 State law, but I just wanted to say that
14 since you raised the question. It's very
15 much the Law Department.

16 In terms of the report on tasers.
17 To quote a commercial, "We will release no
18 report before it's time." The quality and
19 the integrity of the reporting function of
20 this agency is one of tremendous importance
21 to me personally, and I think is one that's
22 of tremendous importance to the agency. We
23 take very seriously the full analysis of
24 our data and of our report writing. The
25 report will come out. It will come out

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2 when it is ready. I do think it will come
3 out fairly soon but I will say that I will
4 stand by the process that we've been
5 through, at least since I've been on the
6 Board, in ensuring that it is appropriate
7 for public release and that we will always
8 do that as long as I am Chair, is ensure
9 that we're going through an appropriate
10 process on review of our own reports to
11 ensure that they're in fact ready for the
12 public because the credibility of our
13 reporting is of critical importance for us
14 in order to be effective as an agency.

15 And I'm very appreciative, by the
16 way, of the Policy Unit and the work that
17 it's doing on reports in general and of the
18 work it did on the report. So, thank you.

19 I would also add that in terms of
20 the monthly statistics, one of the things I
21 will say is, you know, it's an -- I
22 actually agree with you that complaints in
23 and of themselves unless we know more don't
24 tell us everything we need to know. It's
25 not just a matter of up or down. So I

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2 think it's the right question to say
3 certainly we do take it as hopefully a sign
4 that as we have seen changes in the Police
5 Department and as we are increasing our own
6 outreach efforts, meaning we have done so
7 much more in outreach to try to get the
8 information out about the opportunity and
9 the process and the rights of folks to file
10 complaints, and there have been a number
11 of changes within the Police Department, we
12 certainly -- we can certainly say that we
13 hope that that had -- it bears a
14 relationship to what is happening in terms
15 of reforms in the Police Department.
16 You're certainly right to say, but what
17 more do we know that actually establishes
18 that's true, and I think that's an
19 interesting question to ask.

20 I will say that at the same time
21 because we are doing so much work and as
22 we've heard from the outreach report in
23 increasing the amount of information we're
24 sharing about the CCRB and the fact that it
25 exists and how people can utilize it, I

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also don't just in the flip side, that we don't know complaints going down is good. We also don't know that complaints going up is bad, so it works in both directions.

So I hear your call to see if there are ways for us to better understand, you know, the pattern of complaints but I think that's also one of the benefits of the update we heard at the last board meeting which I know you were not able to attend, Chris, but that the intake form will now help the outreach team better understand how outreach is also impacting the number of complaints we're getting. So I think that will be at least be one step to try to understand that better.

And then, you know, finally in terms of mediation, you know, I can't obviously speak to the past. I can say that the numbers have been improving in the past year in ways that I'm happy about and I see that as an opportunity to think about ways that we continue to improve mediation. That is both, you know, it's a both and,

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2 right. It's both having more cases that
3 are appropriate for mediation be in
4 mediation. I will tell you that having
5 served on a panel, there are a number of
6 cases that really would be better placed in
7 mediation, at least as a start. There's
8 obviously always the ability to come back
9 to the investigation process, but we should
10 see that number of participation mediation
11 go up, just as we should continue to invest
12 in the effectiveness of the mediation
13 process. So I think both of those are
14 things that I'm hearing and that we want to
15 try to invest in.

16 I will stop there. I just didn't
17 want to not respond at all, but also if
18 there's anything anybody would like to add,
19 either from the staff or the Board.

20 (No response.)

21 MR. DUNN: One thing if I can just
22 add.

23 CHAIR WILEY: Sure.

24 MR. DUNN: You mentioned changes in
25 the Department, of course there's going be

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a big change this week. You folks didn't talk about it at this meeting but I'm hoping next meeting you will talk about what the engagements are going to be with the soon to be Commissioner O'Neill since there may be a new level of interest in the CCRB with his appointment.

CHAIR WILEY: Well, I will -- one thing I can say is I have appreciated the tremendous amount of interest from the Police Department in the CCRB before Commissioner O'Neill -- I can't technically call him Commissioner yet but I will -- and I can say personally that I don't expect any decrease in that interest and I'm personally looking forward to working with the new Commissioner as well, but I take your question.

If nothing else from the Board, we'll move on to the next person which is -- so we have Jose LaSalle.

MR. LASALLE: How you doing? My name is Jose LaSalle. Once again, I'm the founder of Copwatch Patrol Unit which is a

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2 group that have close to a hundred more
3 people and we monitor police so -- monitor
4 police and civilians encounter and we make
5 sure that we post the videos, especially
6 when it deals with them not following the
7 proper procedures and protocol, and when
8 they are not following the proper
9 guidelines of the NYPD Patrol Guide.

10 We out there in the field, meaning
11 we in the belly of everything that's
12 happening so we see a lot more than y'all
13 probably will ever see since y'all just sit
14 behind these chairs and wait for us
15 to -- or wait for someone to make a
16 complaint or wait for someone to file some
17 report before y'all even know what's
18 happening in these communities of color.

19 Maya -- am I saying it right, Maya?

20 CHAIR WILEY: Yes.

21 MR. LASALLE: Yeah, Maya. So, you
22 know, Copwatch Patrol Unit, we have as much
23 faith in you as we had in Emery, and the
24 reason we say that is because you
25 come -- you are one of the top eight from

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2 de Blasio, and de Blasio ran on the
3 platform of transparency and he has failed
4 the people in the community of color with
5 that. He uses Afro American family to be
6 able to get to the position he's at so we
7 lost respect for him, a lot of people
8 that's out there, and we don't -- we
9 actually don't believe that ain't nothing
10 going to change in this board that Emery
11 couldn't change himself under your
12 leadership now. I'm hoping that you make
13 me wrong on that.

14 Another thing that I want to talk
15 about is dealing with outreach. I have
16 been to a lot of -- I done sat in the back
17 and watched a lot of your outreach taking
18 place within the community that y'all come
19 to do outreach in. I'm in these
20 communities as well, and I go basically to
21 a good amount of police monthly meetings to
22 deal with these -- deal with what we
23 record. CPU, Copwatch Patrol Unit has
24 become a force that when police sees us,
25 they actually straighten up because they know

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that we're documenting everything and they know that we're going to make sure that everybody sees what we see. So we want to make sure that the transparency dealing with police misconduct and brutality with the criminalization of our young brothers and sisters out there gets out there for the people to see.

Dealing with your outreach, I don't feel like y'all really have accomplished anything because the simple fact is if you look in this room, a'ight, it's the same faces that's here every single time. I haven't been here for awhile. I don't see nobody new. Not only that, I don't see nobody from the community here that's affected by what y'all trying to fight for them for which is police brutality and misconduct. So there's something very wrong with the outreach y'all doing. This should be packed with young people. This should be packed with people that are under the gun every single day dealing with the aggressiveness of the broken windows

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2 policing that is being implemented in the
3 community of color. So there's something
4 very wrong and you need to look at this.

5 This is not the people that you need
6 to be talking to and you need to do
7 something about that because we need these
8 young brothers and sisters. We need these
9 people that are every single day dealing
10 with this brutality that the police
11 constantly -- I'm talking about even after
12 mediation. I had mediation. I said let me
13 try mediation. I tried that a few times.
14 These same officers are doing the same
15 crap.

16 So mediation, that's another thing
17 is totally bogus. That's not working. The
18 officers will come here, they'll play the
19 role that they have to play but when they
20 get back out there, guess what, they're
21 going to continue doing what they were
22 doing because they're under somebody else
23 supervision and that's what they're
24 following. Do you know what I'm saying?
25 They're following their supervisors orders

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2 so it doesn't matter what character they
3 portray here and how things are clear here
4 in mediation. They might not mess with the
5 same person but it doesn't change what
6 they've been doing, and that's something
7 that we feel that when we're out
8 there -- when we're out there, we tell
9 people to file complaints to the CCRB and
10 the reason we want people to file
11 complaints is because we want to keep a
12 record of it because then we have a record
13 of these people filing complaints which
14 will connect with y'all record and see
15 where the discrepancy is at, and we also
16 have videos to substantiate a lot of what
17 we're talking about and a lot of videos we
18 don't even post. We got thousands of
19 videos that we're keeping aside for the
20 right moment, and then we post a lot of
21 videos that many people in the board have
22 already seen videos that we posted.
23 Sometimes some of y'all, you know, your
24 inspectors go and see if there's something
25 there that is recorded dealing with a case

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they're dealing with.

So my situation and my problem is that if y'all do not go out to these communities and reach to the people that y'all need to reach to and not look like y'all working with the police officer, because many times y'all look like you're working with the police officer, people are not going to come talk to you, people are not going to believe in whoever you send out there to do outreach if you're over there standing in the corner speaking to the captain for the next 20 minutes or standing among all the police officers, do you know what I'm saying, and the people in the community is out there. Not only that, a lot of these meetings, the people that go to these communities are not even the ones that's affected by the misconduct and the aggressiveness of the police. So y'all have to find a different way to go out to these places or find organizations that deal with the people that's in the community, not the ones that's going to

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come support the police no matter what they do. No matter what police does, a lot of these places y'all go, they're going to support police and that's not -- that's not going to reach nobody and y'all going to remain being the toothless, as they say, CCRB as y'all been since the first day y'all started.

Dealing with video now that y'all talk about substantiate many of your cases, even though it's kind of balanced almost out of the cases even with video that are unfounded. So one thing is they're dealing with the video is that when we're asked to give up a video, it's like y'all want everything from the beginning to the end, not the misconduct part. It's like y'all want to see, do you know what I'm saying, everything from the beginning to the end which I don't understand because if an officer did a misconduct, he did not follow proper procedures or protocol, if he did not follow the proper guidelines of the Patrol Guide, it doesn't matter, do you

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2 know what I'm saying, if somebody told him
3 FU, which is a constitutional right for
4 anybody to say anything they want. If
5 somebody told -- called them a pig or
6 whatever it is and that's the reason he
7 decided to slap the guy or that's the
8 reason he decided to arrest or falsely
9 arrest a guy, or because somebody was
10 recording them and then he decided that's
11 the reason why he's locking them up because
12 he didn't want to be recorded, that should
13 not be -- that should not matter, and a lot
14 of people are being put under pressure by a
15 lot of your inspectors who a lot of them
16 have an attitude when they even asking
17 questions which a lot of us feel like we're
18 being interrogated anyway.

19 CHAIR WILEY: May I ask you to wrap
20 up?

21 MR. LASALLE: Okay. So, yeah. So
22 basically since now you're the new Chair,
23 we're hoping that maybe within the next
24 month there would be some changes, not
25 within the next year or two or three years.

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You might, you know, where you might get more aggressive towards these complaints that's being, you know, put on your desk, more aggressive to the point where you're not pushing for mediation but pushing more for making sure these officers are held accountable for the things that they're doing. So we're hoping that down the road, not a year down the road but a month or so down the road you start doing these things. Thank you.

CHAIR WILEY: Thank you for your testimony. I just want to address a couple of things. I heard some -- one, thank you for your honesty. I heard a couple of things that I think are helpful for us in thinking about how we can improve some of what we do and I think us looking at in terms of our outreach, the degree that we have opportunities to outreach to additional types of community groups is a very helpful suggestion, so I appreciate that.

And I certainly think that one of

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the reasons we've, and I mentioned in the beginning thinking about how to utilize these public meetings is in an effort to actually have -- I'm very happy for the people we have in the room and that we continue to build on that and have more people in the room, so I certainly appreciate the importance of that.

I continue to stand by mediation and its importance, and also respect and understand your difference of opinion based on your experience in that, and I think one of the things we'll continue to look at is how we, as I've said before, continue to improve the quality of mediation. And I do want to say that from my experience which is short, that I believe that the staff, particularly in the Investigations Unit and the APU and in Case Management has done an excellent job at being both thorough, fair and managing quite a load and doing it in a way that is quite professional, and I appreciate that and I want to thank the staff for that.

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We have one more person now.

I'm sorry. Is there anyone else who just wants to do a follow-up, or a comment or a question?

MS. MALIK: Brian does.

CHAIR WILEY: Okay. Yes. Thank you.

MR. CONNELL: Hi. Thank you for your comments. I just want to make a quick response. I think the outreach program has been tremendous. If you look at the chart, it demonstrates how successful we have been and the success of the program is not measured by the attendance in this room, it's measured by the response we get from the community itself, and when we go out, I know you said you have been there, you see the reaction. We get practically mauled by our audience asking for additional outreach efforts. They're not saying don't come back. Even when we went to roll call, cops are asking us to come back because they want us to educate the public on what the encounter should be in the community.

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So if you look at our chart, it shows a tremendous increase in the number of events we have and we yet have not even scratched the surface. We have over 300 NYCHA residences that we have to go to. We have community boards, precinct council meetings, we have hundreds of schools that we are trying and making a valiant effort to get out to. We have just five outreach coordinators and they do a tremendous job. They double up, they do weekends, evenings, so the effort they're putting back is not measured by the attendance in this room. And if you're at these meetings, I think you can see the response we get for additional outreach requests and that's what we're trying to fulfill. Thank you.

MR. CARCATERRA: I just have a followup for Jose on his presentation.

Jose, can you just tell me -- just a couple of things I heard. At the end of the day, what is the goal of Copwatch? What's the mission statement, so to speak?

MR. LASALLE: Our mission is to make

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2 sure that any officer who fails to follow
3 the proper procedures and protocol when they
4 are detaining someone for questioning, or
5 arresting someone, or failing to follow the
6 proper guidelines of the NYPD Patrol
7 Guide --

8 CHAIR WILEY: I'm sorry. Can you
9 just answer from the podium just so we can
10 capture it? Thank you.

11 MR. LASALLE: Well, our main
12 objective and our -- Copwatch Patrol Unit,
13 CPU main goal is, one, is to let officers
14 know that they're being watched, let
15 officers know that we understand their
16 proper procedures and protocols when
17 they're out there doing a traffic stop,
18 when they're out there stopping a civilian,
19 and that we're watching and waiting for
20 them now to follow the proper procedures
21 and protocols, for them not to follow the
22 proper guidelines of the NYPD Patrol Guide
23 which is something that, do you know what
24 I'm saying, my guys seem to know better
25 than the police themselves. And we, since

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2 we don't believe in the system that has
3 been created meaning the CCRB, meaning
4 the -- especially the IAB, Internal Affair
5 Bureau or -- do you know what I'm
6 saying -- and, you know, even the NYPD
7 Inspector General now, that we don't
8 believe they're going to address it the way
9 that it needs to be addressed to the point
10 where these officers know this is something
11 that is not going to be tolerated in this
12 community. So we use social media as our
13 power which we have a big social media, and
14 we make sure we use our social media as a
15 power not -- you know, to make sure
16 that people see what we see in these
17 communities.

18 MR. CARCATERRA: And my last
19 question then, Jose, to you would be, and
20 tell me if I got this right, you made
21 a -- you had said that you were kind of
22 annoyed at the investigators because they
23 want to see the whole video, and why would
24 you want to see just a snippet of
25 something? You need to see an entire video

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to understand the entire situation. So if you're out there and this is your people that you've trained and they know the Patrol Guide, why would you not want that whole video put in?

MR. LASALLE: Well, I see that the most important part of the situation is what the complaint is being filed about. A lot of people that we deal with on a daily basis out there, which we tell them to file a complaint, sometimes we file a complaint for them there, is that when they -- their experience is that they feel like y'all trying to find what they did wrong to justify the actions of the NYPD. So a lot of them feel uncomfortable to even giving us the videos that they might have recorded or the videos that we recorded because we have a lot of videos of people that, you know, call our hot lines and gives us the videos. So they feel uncomfortable because they feel like y'all trying to find the wrong in them to be able to say well, the officer was right to do what he said, or to

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2 say what he said, or to lock you up for the
3 reason they had to lock you up. So a lot
4 of people feel like that and that's why I'm
5 bringing it to your attention.

6 MR. CARCATERRA: I think then, and
7 I'll just end on this, maybe through
8 yourself or someone else, any investigation
9 on anything we look at there's a beginning,
10 there's a middle and there's an end, and
11 you can't just take a moment in time and to
12 come to a conclusion. You need to see the
13 entire video or the entire incident and
14 then you can make a judgment on it. So I
15 think that needs to be revisited because
16 what you mention that you think the
17 investigators aren't being fair to you, but
18 there are policies and there are reasons
19 why they do that and you really can't do a
20 good investigation without looking at that
21 in its entirety.

22 CHAIR WILEY: And I -- just to say
23 in closing because I don't want anything
24 that any of us are saying to suggest that
25 we don't think the CCRB can improve. So we

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2 actually appreciate the feedback and that
3 was why I was making a point that certainly
4 our Outreach Unit has been doing a
5 tremendous job and certainly we can look at
6 whether there are additional groups and
7 other types of groups we should be reaching
8 out with and we want that kind of feedback.

9 Obviously we want the kind of
10 feedback if folks have had experiences with
11 any parts of the CCRB where there's things
12 that are helpful to us to improve what
13 we're doing, and I think it's also
14 critically important to recognize that as
15 an investigatory body that looks at whether
16 or not there has been a violation, it is
17 extremely helpful to have video. I mean,
18 it's one of the reasons we've been able to
19 I think over time as the staff has
20 reported, reduce the unsubstantiations and
21 actually be able to come to a conclusion,
22 whether it's exonerated, or substantiated,
23 or unfounded because we have video.

24 So we're grateful for video. At the
25 same time, it's absolutely critically

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2 important for the public to understand that
3 we do not walk into review of any case,
4 neither the staff nor the Board with an
5 assumption about the truth of what happened
6 unless and until we see all the facts. It
7 is a fair and neutral process. We don't
8 walk in saying we're going to be tough on
9 one group of people or tough on another
10 because that is simply not our charge under
11 the Charter of the City, and that's why I
12 praise the staff because sometimes it is
13 very hard and a lot of information to get
14 and we're extremely appreciative,
15 obviously, of the support we get from the
16 residents of the City in getting both
17 feedback on our -- on where we can improve
18 but also as much evidence either by video
19 or in the form of witnesses about what
20 actually happened in any given incident.
21 So that's important to us and I want
22 everyone to know that.

23 Yes. Go ahead, Mr. Peguero.

24 MR. PEGUERO: I believe that -- I
25 echo the sentiments of my peers as far as

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2 the wonderful work that the outreach staff
3 members are doing. I do believe that
4 there's a second piece to that and I'll say
5 I think that you eluded to that, is the
6 attendance at these meetings. Now, I've
7 been part of many meetings and believe you
8 me, it is very disheartening for us to come
9 after work, you know, to leave our families
10 to come to a meeting and not to have
11 attendance. So I encourage you and others
12 to join us to find ways to invite people to
13 come to these meetings and to bring the
14 youth and the people that are being
15 affected because we love the feedback. We
16 want to hear from you, we want to hear from
17 others, so I encourage everyone and anyone
18 that is here that feels that they have a
19 platform or they have a group of people
20 that they're able to invite to ensure that
21 we have a real balanced conversation at the
22 CCRB board meetings to please assist us in
23 that endeavor.

24 CHAIR WILEY: Thank you.

25 All right. We have one more person

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2 who has asked to speak. Shannon Jones.

3 MS. JONES: Good evening. My name
4 is Shannon Jones. I'm the co-founder of
5 Bronxites For NYPD Accountability,
6 affectionately known as Why Accountability.
7 Our group was born after the chokehold
8 death of Eric Garner captured on video.

9 So with that said, I'd like to
10 address the Board, the gallery, those
11 familiar faces. Like Mr. LaSalle said,
12 it's the same cast and characters over and
13 over. So that in and of itself is a
14 failing of the CCRB to continue the
15 outreach to different sectors of the
16 population to bring them together in order
17 to address these problems with the Police
18 Department.

19 Mostly -- Ms. Wiley, you're not
20 familiar with me so this is our first
21 interaction and I'm going to say upfront, I
22 don't play. Okay. I do not play. We're
23 not going to do the cookie cutter, the
24 public relations sound bites about how hard
25 we work and what we want to do. We're not

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going to do that. The other members of the board that are familiar with me will let you know offline that I don't play. So we're going to get to it right now.

First and foremost, my pet project is the statistical reporting. I have not been here in months, months and months but we're still in the same place with the statistical reporting. I have said this repeatedly over the course of two years. The first time I came here was in October of 2014. Now we're in September, 2016 saying the same thing. This statistical report does not mean anything to the community who are getting their butts whipped and disrespected by NYPD on a daily basis.

This is for me. Okay. I went to Brooklyn College, got a masters degree in political science. This is for me. This is not for them. Okay. This does not tell the public how many times, where these officers are, even if you look at your figure six, let's go to that. Figure six,

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complaints received by precinct of
occurrence, but then the fine -- I don't
see nobody looking at figure six. Look at
that with me so we can be talking about the
same thing. Don't lip service me, please.

CHAIR WILEY: We've all looked at
it.

MS. JONES: Figure six, page six.

CHAIR WILEY: You have a short
amount of time so please make your point.

MS. JONES: No, we're gonna
go -- we're gonna go through this because
when the police want to detain somebody for
15 minutes, 20 minutes, half an hour going
through their passport, looking through
their medical records, asking them all
their personal questions, the community
doesn't have a choice whether to say do you
know what, I'm short on time. It's either
you're going to arrest me or I'm going to
walk away. The community doesn't have a
choice in that so if you guys have to bear
through hearing from the community, you're
going to have to deal with that, and if

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2 you're prepared to tell me you're too short
3 on time to hear what the community has to
4 say about what's going on with NYPD, you
5 guys got bigger problems than you think you
6 do.

7 CHAIR WILEY: I actually want to
8 hear the points so that's why I'm asking
9 for it.

10 MS. JONES: All right. So that's
11 why I'm looking at the board and I don't
12 see the board looking along with me so we
13 could be talking about the same thing --

14 CHAIR WILEY: Because we read our
15 statistics.

16 MS. JONES: -- the same thing --

17 CHAIR WILEY: So what is the data
18 that --

19 MS. JONES: -- the same thing, ma'am.

20 CHAIR WILEY: -- you would like to
21 see in figure six?

22 MS. JONES: What I'm saying is on
23 figure six is that I've repeatedly asked
24 that this fine print about the complaints
25 being in the precinct of occurrence, stop

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2 doing that because when we go to precinct
3 meetings, all the command is going to say
4 is oh, that's a special team, that wasn't
5 in my command. So that needs to be broken
6 down. How many complaints are being done
7 by anticrime teams, strike teams, narcotics
8 units, tactical teams and where the
9 occurrence was? Because our community is
10 plagued by undercover officers walking
11 around roided up, doing rundowns on our
12 communities. That's what is happening. So
13 if I don't have -- if I don't jump out of a
14 police car that says FSD, or PBBX, or 48 or
15 42, they won't know who that is and
16 that's not proper information to the
17 community.

18 Secondly, this statistical reporting
19 doesn't breakdown PSAs. I'm a public
20 housing resident, a NYCHA resident. How
21 often are complaints made to public
22 housing? How often is that happening? And
23 a breakdown by development. You guys have
24 the tools and skills to do so, that's what
25 I expect to see. So that's that.

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And what I was saying about the community is that most people do not make complaints for two main reasons. The CCRB has absolutely no control over punishments of officers, period. Whatever your substantiated complaints are and the recommendations are, the Commissioner whether it's Bratton, O'Neill or Howdy Doody, they do not have to follow them, and they don't follow them. Okay. So that's a problem. That's what keeps you guys toothless. That undermines all of the work that you do that my taxpayer dollars go to, right.

And the second thing is that people that make complaints receive harassment by the police. I had the opportunity to do a teaching last month and I actually informed people that didn't know anything about the CCRB to make complaints to CCRB when they are harassed. Two people in the teaching, one lady began to cry and said after she made a complaint she got anonymous phone calls to her home threatening her to drop

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2 the complaint. When I went to the 47
3 precinct meeting, March of 2015, a man said
4 after he made a complaint of police
5 brutality, that all of a sudden police kept
6 knocking on his door saying there were 911
7 calls being made to his home during the day
8 when only his grandmother would be there.
9 So you guys have to ensure the public that
10 when a complaint is made that they are not
11 to be harassed by NYPD that are going
12 behind you and harassing the community,
13 whether it's by phone or in person. These
14 are the things that people that are active
15 in the community know about that you guys
16 don't know about. That's why you're not
17 going to see the community in here. And
18 when broad spectrum statements are made
19 about the NYPD is improving, that
20 undermines your work. No trust there
21 because the community knows better.

22 I use the 149th Street and 3rd
23 Avenue train station. Out of five days out
24 of the work week, three to five of those
25 days the police are hiding in closets,

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2 hiding behind columns, hiding on pay
3 phones, using predatory policing against
4 communities of color, and that has nowhere
5 to go but escalate. Just the other day
6 they were checking this woman's medical
7 records in front of everybody, in front of
8 the turnstiles, in order for her to explain
9 that she had no money to get to an
10 appointment, and they had her medical
11 records out in the open. So this is what
12 the Police Department thinks of the
13 community they serve because most police
14 officers get on the LIE. They don't live
15 in my projects. There's no police officers
16 living in Morris Development. There's no
17 police officers living in the 75. They get
18 on the LIE, go all the way home so they
19 don't have to have any accountability to
20 the people that they disrespect. They
21 don't have to have any accountability to
22 the people that they malign or abuse.
23 That's a problem.

24 New York City needs police
25 residency. Police the people that you

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2 serve, the people that you grew up with,
3 the people that you went to school with
4 because these are not the complaints WINE
5 DANCE you're saying, these are not the
6 complaints coming out of valley stream.
7 They don't have these type of problems
8 because they're not going to
9 allow -- Suffolk County PD is not going to
10 disrespect the children that their kids go
11 to school with. It's not allowed. So this
12 is what we deal with every day, the ongoing
13 disrespect and the complaints.

14 My question to the board is, why is
15 TARU Unit allowed to video record and
16 follow people that engage in peaceful
17 protest? Why is that allowed?

18 CHAIR WILEY: I'm not sure I
19 understand the question. Because --

20 MS. JONES: Why is TARU Unit
21 allowed --

22 CHAIR WILEY: If you're asking a
23 question that doesn't pertain to a staff
24 function of the CCRB we can't answer it
25 because it's not in our purview.

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MS. JONES: No, it is certainly in your purview to know the reason why TARU Unit is being dispatched to civilians that you're supposed to protect and they're being video recorded during a peaceful protest. Why would that happen? That's never been reported to you? You've never seen that?

CHAIR WILEY: I -- there is not any board member who sees every single case as an individual board member.

MS. JONES: I don't know about every single case. It's been going on for two years, ma'am, two years.

CHAIR WILEY: I am answering your question to say that I hear your question. I also want to give an opportunity I think for Robia to come up if you want to address the data -- data visualization certainly -- because we certainly agree with you that we want to make sure that the data that we have is much more accessible and I think that's something we can improve on, and I want to make sure we're

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2 both -- if there's something you want to
3 respond to, Robia, and something we can
4 take back. I just want to be clear on what
5 questions we can and cannot answer. So
6 we're --

7 MS. JONES: Understood. Understood.
8 And the reason why I ask that question is
9 that sets the tone for all around video
10 surveillance of the communities of color.
11 Okay.

12 CHAIR WILEY: I understand.

13 MS. JONES: What we see all the
14 time, because I also in addition to
15 Mr. LaSalle, I have plenty of videos that
16 I've never put on the internet of all types
17 of police behavior. The cops have even
18 looked into me and told me where I was
19 going to school. I have that on video
20 after I filmed a police incident, and what
21 normally happens is when you start to film
22 or the community starts to film, they start
23 to film you. That -- they cannot do that
24 and they obstruct your filming, stand in
25 front of the camera, so I don't care what

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2 memos have been going out, that is still
3 going on.

4 So in closing, nice to see all of
5 you familiar faces again, but I want to
6 address Mr. Salvatore. Your statements are
7 very, very similar to all of the comments
8 section of any type of discussion about
9 police brutality on Staten Island Live.
10 Very, very classic of the blaming of the
11 victim and I'm telling you right now, if
12 this is the tone going to be going on for
13 several months --

14 MR. CARCATERRA: I'd like to you
15 clarify that.

16 MS. JONES: I'm not finished
17 speaking, sir.

18 MR. CARCATERRA: Okay. When you're
19 finished you can clarify.

20 MS. JONES: Please don't -- not when
21 I'm finished. You do not give me the
22 permission here, that's not your roll
23 today. All right.

24 So what I way saying was, is that
25 that tone is very classic of blame the

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2 victim. There's a middle, beginning and an
3 end. Let's be clear. If I would like to
4 call a police officer a pig, that is my
5 First Amendment right to do so. However,
6 if he violates the Patrol Guide by
7 responding to me in a discourtesy where
8 there have been no hands exchanged, he is
9 not allowed to do that, and if the CCRB
10 receives a video of an officer being
11 disrespectful, discourteous or abusing his
12 authority, that's relevant enough for you
13 to do your work. All right. So we're
14 going to be clear on that. So you may want
15 to check your tone when you're addressing
16 members of the community because it's very,
17 very cookie cutter of how we got in this
18 situation to begin with, with rampant
19 broken windows policing and aggressive
20 escalations of contact with black and brown
21 members, and I don't know where you come
22 from but we're not going to do that today.
23 And I was sitting back there and I was even
24 offended by that --

25 CHAIR WILEY: So --

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MS. JONES: -- because this is a person like me and Mr. LaSalle and countless other cop watchers that you'll never see in this room. We need the board to find us credible. We need to be found credible for the work that we do --

CHAIR WILEY: I'm going to ask you to stop --

MS. JONES: -- and the same thing that Mr. Peguero invited us to bring people, Mr. Salvatore, I invite you to come to 149th Street and 3rd Avenue and wear street clothes and watch how you see the NYPD conduct themselves and address themselves to working members of the community and vulnerable members of the community on a daily basis, people that are going to work, people there are going to school, people that are going to appointments, and we'll see what your tone is after that since we want to invite each other places.

So with that said, I appreciate everyone's time here this afternoon, this

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evening. I will be closely watching the statistical reporting, and as a matter of fact, since we're here, who's from intake? I got about ten CCRBs to make right now. We might as well get the party started. So with that said, everyone enjoy your evening. I appreciate it.

CHAIR WILEY: Thank you for your time. One of the things that I will say, one is we definitely appreciate the honesty. We want to hear it. We want to have an effective dialogue. One of the -- I want to make sure that we give the head of our Policy Unit and opportunity to respond to the data point question.

I will say as Chair of the Civilian Complaint Review Board, we will take seriously any allegations of harassment, obviously, like any of our complaints. That's something that we hope will be brought forward and continue to be brought forward to us, that is of concern. I will also say and stand by the statement that it is critically important for us to acquit

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2 our role under the City Charter that we
3 have full information that we are able to
4 obtain about any incident that has come to
5 our attention through a formal complaint.
6 That is actually our charge, it is our
7 legal responsibility and we must acquit it,
8 and we will do it not blaming anyone
9 because our -- until we have a conclusion
10 that there is sufficient evidence for us to
11 place blame. That's our job.

12 Robia.

13 MS. CHARLES: So I'll make four
14 points touching on a few things Shannon
15 said and also a few things that Chris Dunn
16 mentioned.

17 To begin with Shannon's comment
18 regarding wanting more data, specifically
19 looking at commands, and PSAs and housing
20 developments, we do have that data
21 available. We can look into providing it
22 in a way that is within the law, so I will
23 take some time to do that. There is a lot
24 of data which we actually don't have and
25 we're not able to provide, some of which

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Shannon mentioned, and so that simply is a fact, unfortunately.

The second point I want to make is that as the Executive Director mentioned, next week, hopefully next week we'll be publicizing our new website. On that website is the new Data Transparency Initiative which is a series of interactive images and data which is downloadable for the public looking at all the various ways in which we slice and dice our data. A lot of it is new for the public, so I welcome Shannon and everyone else to take a look at that initiative when it comes out and please do give us feedback. If there's something that is not there which we have, which again, is within the law, we are happy to share it and build out new tools and accessibility.

The third point I want to make going back to Dunn's argument, is there was never a statement made that complaint numbers are the single most important determination of what's going on. If you look at the

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2 transcript two or three meetings ago where
3 that discussion was had, what was said is
4 that complaint numbers is a more direct
5 indicator of what is going on on the ground
6 rather than the substantiation rate, so
7 just to clarify that language so that it is
8 not inappropriately mentioned in future
9 meetings.

10 The fourth point I will make is
11 regarding our truncation numbers. Dunn
12 accurately mentioned that looking at --

13 CHAIR WILEY: Please refer to him as
14 either Mr. Dunn or Chris, not just Dunn.

15 MS. CHARLES: -- Chris Dunn, that it
16 is more important to look at our annual
17 truncation numbers than the monthly
18 movement of truncation numbers. That's
19 because our numbers move so quickly, number
20 one, but we have done an internal analysis
21 of our truncations, we have taken a few
22 steps initially to start moving in the
23 direction of decreasing truncations. One
24 of those steps has been the Community
25 Partnership Initiative which is where, you

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know, we have a presence once a month in each of the five boroughs with the assistance of a few council members, and so some of those are, in particular, areas where we get a lot of our complaints, top ten areas in which we get a lot of our complaints. That's one point.

The second is to say that we know for a fact that if a complaint is filed directly with the CCRB, it is twice as likely to be fully investigated than if it is filed elsewhere. So what you see in our complaint increasing truncation rate by month has to do partially with the fact that we are seeing more cases overtime come from outside of CCRB to us. So this is an issue which we are tackling as well.

CHAIR WILEY: Can you speak to one other point that Mr. Dunn made which was the issue posting the data that we have sooner in advance of meetings? And I know there's some data that we don't have and so would be impossible to put up with enough lead time, but there's some data I believe

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2 that we could be a little bit more
3 responsive to I believe, but could you
4 speak to that?

5 MS. CHARLES: Sure. So the question
6 he raised is whether we can post the
7 monthly statistical report online earlier.
8 The issue there and the reason that we
9 haven't done so in the past is because
10 there are several levels of editing and
11 eyes that it goes through, that includes
12 board members, that includes the executive
13 level staff, that includes the Policy Unit,
14 and there are a lot of changes that are
15 made really up to the day of the board
16 meeting which means that unfortunately we
17 don't want to post something when the
18 numbers are not set and ready to go well in
19 advance. We would love to do so but it is
20 an issue of the practice that we do for all
21 of our documents in fact.

22 MR. DUNN: So Maya, I would just say
23 in response to that, obviously I wouldn't
24 expect you to put up a report that wasn't
25 done. For years, the report was up at

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2 least a day before the meeting and the
3 report is not materially different now.
4 It's the same report you do every month, so
5 I will just make that point.

6 CHAIR WILEY: I hear that. And I
7 think let's -- we will talk internally
8 about how we can make that happen again,
9 what might be getting in the way, if it has
10 to do with some of our board practice that
11 we can make more efficient, certainly I'm
12 sure we will all commit as board members to
13 do that. I think it's a legitimate request
14 and we'll work to make it -- and it's
15 certainly legitimate and I want to
16 acknowledge both and appreciate all of the
17 folks who testified.

18 These are critically important
19 issues and they do affect everyone
20 personally in really critical ways, and so
21 we want the feedback. We will not always
22 be able to do what we are asked, either
23 because the data is not available or we
24 don't have the capacity or the legal
25 authority. Obviously we work within our

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2 own institutional boundaries but that we
3 take it seriously. I think there are ways
4 we can improve. I think we've heard things
5 here tonight that are helpful in us
6 thinking about that including ways to -- it
7 reinforces the point about us finding ways
8 to utilize these meetings in increasingly
9 effective ways in terms of who we're
10 engaging and how we're engaging. I think
11 we've heard some things we want to take
12 back in terms of concerns that are, I think
13 rightly raised to us and that we need to
14 consider seriously, and I think at the same
15 time we will, just to make very clear,
16 continue to adjudicate all of our
17 complaints with an open mind and based on
18 the evidence and the facts presented to us.

19 With that, I would ask if
20 there's -- it's that point which we go to
21 old business and open it up for old
22 business.

23 (No response.)

24 CHAIR WILEY: Okay. Hearing none,
25 new business. Does anyone have any item

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under new business?

(No response.)

CHAIR WILEY: Hearing none, that means it is the time in which I would ask for a motion to go into Executive Session.

Do I have a motion?

MR. PEGUERO: So moved.

CHAIR WILEY: Do I have a second?

MR. CARCATERRA: Second.

CHAIR WILEY: Thank you. We will go into Executive Session. Once again, I thank everyone for attending and for your active participation. Thank you.

(Time noted: 7:48 p.m.)

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C E R T I F I C A T E

STATE OF NEW YORK)
COUNTY OF RICHMOND) ss:

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

I reported the proceedings in the
within-entitled matter, and that the within
transcript is a true record of such proceedings
to the best of my ability.

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 25th day of September, 2016.

JENNIFER CASSELLA

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