

Civilian Complaint Review Board-Final
October 12, 2016

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CIVILIAN COMPLAINT REVIEW BOARD
PUBLIC MEETING
October 12, 2016
6:36 p.m.
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100 Church Street
New York, New York

TRANSCRIPT OF PROCEEDINGS

B E F O R E:

- MAYA D. WILEY, ESQ., Chairperson
- MINA Q. MALIK, ESQ., Executive Director

PUBLIC MEETING AGENDA:

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1. Call to Order
2. Adoption of Minutes
3. Report from the Chair
4. Report from the Executive Director
 - * Monthly Report
 - * Presentation on Sexual Misconduct Complaints
against NYPD
5. Public Comment
6. Old Business
7. New Business

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BOARD MEMBERS PRESENT:

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MAYA D. WILEY, ESQ., Chairperson

MARBE STAHLY-BUTTS

FREDERICK DAVIE

DEBORAH N. ARCHER, ESQ.

LINDSAY EASON

SALVATORE F. CARCATERRA

RAMON PEGUERO, ESQ.

FRANK J. DWYER

ANGELA FERNANDEZ JOSEPH A. PUMA

YOUNGIK YOON, ESQ.

=====

MINA Q. MALIK, ESQ., Executive Director

SPEAKERS:

Mr. O'Grady

Chris Dunn

Jose LaSalle

Andrea Ritchie

Reported By:

Nicole Ellis

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2 CHAIR WILEY: It is 6:36, and I call
3 this October meeting of the Civilian
4 Complaint Review Board to order. Thank
5 you all for coming.

6 I wanted to acknowledge that it is
7 Yom Kippur, and I'm both appreciative of
8 the fact that we have a full complement of
9 the Board here and -- well, when I do my
10 report I'll actually introduce to the
11 public our new board members who we're
12 very excited to have.

13 But I will start with the adoption of
14 the minutes.

15 Do I have a motion?

16 MR. DWYER: So moved.

17 CHAIR WILEY: Do I have a second?

18 MR. CARCATERRA: Second.

19 CHAIR WILEY: All those in favor.

20 (Chorus of ayes.)

21 CHAIR WILEY: All those opposed? Any
22 abstentions?

23 (No response.)

24 CHAIR WILEY: The motion carries,
25 thank you.

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And we will open with my report as the Chair.

So once again it is my great pleasure and privilege to introduce three new board members to the public, who we're extremely excited about.

I will start with Angela Fernandez. Angela is an attorney and the executive director of the Northern Manhattan Coalition For Immigrant Rights. And she is a graduate of Columbia Law School, which I think speaks well of her character -- I say that from a completely unbiased position -- she has been a significant leader in the area of human rights and immigrants' rights.

And I won't go through her entire bio, but I will note that she was at the center of human rights legal aid in Cairo, Egypt; she's founded and managed elementary schools in the South Bronx and Washington, D.C.; she has taught women's studies to detainees in Rikers Island; she has chaired the Dominican Day

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Parade; she's work in government; she's worked in relationship with the not-for-profit community-based sector. We're extremely honored to have you as a board member. She's a mayoral appointee.

I would also like to introduce Fred Davie. He's the executive -- he's actually the vice president and secretary to the Board of Trustees for Union Theological Seminary. He's also been the interim ED for the Arcus Foundation, as well as the senior director of social justice and LGBT programs.

He's also been appointed by President Obama to serve on the White House Council on faith-based and neighborhood partnerships. I could go on and on, I'll stop there, and there's much on all of our board members on the web, but again thank you, Mr. Davie, for joining us. He's also a mayoral appointee.

And last, but far from least, we have Marbe Stahly-Butts, who's the deputy director for Racial Justice at the Center

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2 for Popular Democracy. She has been a
3 Soros Justice Fellow, which is a program
4 of the Open Society Foundation, working on
5 police reform. She's a Yale Law School
6 graduate, and we'll not hold that against
7 her because we do not discriminate here.
8 She also has a Masters in African Studies
9 from Oxford, she's worked in Zimbabwe,
10 she's taught in South Africa, she's a
11 criminal justice expert and has been doing
12 that in many capacities. So thank you, as
13 well. And is the City Council appointee
14 for Brooklyn, which does stand her in good
15 stead.

16 So thank you all for joining again.
17 This is actually the full board of the
18 CCRB, we're short only two slots, but this
19 is every single currently appointed board
20 member. So thank you for coming.

21 I'm just going to make two other
22 quick points that I think are important.
23 We have been -- we have heard both from
24 the public in these meetings, the
25 importance of having dialogue around

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2 police reform and around what is happening
3 in communities. I have been saying that
4 this is something we're looking at and
5 talking about as a board and a staff. I'd
6 like to acknowledge the Staff that's here,
7 because many of our staff members are here
8 in the audience, and doing a wonderful job
9 talking to us about these. It is my great
10 hope that we'll have the next board
11 meeting actually in a borough, probably
12 Brooklyn, but we're going to start by
13 looking at boroughs in which we have a
14 high number of CCRB complaints so we can
15 actually have a public discussion in
16 places where we're seeing more activity.

17 We'll be in touch with you more about
18 that. But again, we'll strive to do that
19 for the November meeting. So please keep
20 your eyes open for the notice about
21 location for that. If we do not get it
22 done in November, we will get it done for
23 December. But it's my great hope that we
24 can get that done for November, and there
25 will be more to come.

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And lastly, another issue that's come up in board meetings and is an important issue is the Taser report that the Staff the Policy Unit has been working actively on. We will be releasing that report by the end of next week, and so please keep your eyes open for that. It's really very close to final, and I'm very excited that it will be forthcoming. So that will be by the end of next week.

And I will stop there and turn it over to -- I'll open to the Board for any questions or comments on my report before I turn it to the Executive Director.

(No response.)

CHAIR WILEY: Hearing none,
Ms. Malik.

EXEC. DIR. MALIK: Good evening. My name is Mina Malik, and I'm Executive Director of the Civilian Complaint Review Board.

Our next meeting will take place on November 9th, and tonight I would like to discuss matters pertaining to the

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2 operations of our agency, and provide you
3 with highlights from our Monthly
4 Statistical Report. For a full review of
5 the agency's statistical report, I would
6 ask you to look at our website.

7 I'd like to direct your attention to
8 one of the three screens that are in the
9 room. Figure 1, in September 2016 the
10 CCRB initiated 323 new complaints, which
11 reflects a decrease from 388 in August.

12 With regard to complaints received by
13 type of allegation, comparing September
14 2015 to September 2016, complaints with a
15 discourtesy allegation have decreased by
16 21 percent, complaints with an offensive
17 language allegation decreased by
18 43 percent, complaints with an abuse of
19 authority allegation have decreased
20 21 percent, and complaints with a force
21 allegation have decreased 29 percent.

22 In Figure 2, our open docket analysis
23 shows in December the CCRB's total open
24 dockets was 1,079 cases. By the end of
25 September, 591 of these cases were in the

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2 investigations from January through
3 September of 2016. Year-to-date the
4 average days to close a full investigation
5 has decreased 55 percent from 2014 before
6 the institution of reforms. In September
7 2016, the CCRB fully investigated
8 43 percent of the cases it closed and
9 resolved 59 percent of the cases it
10 closed. The truncation rate was
11 40 percent in September.

12 A few other key statistics for the
13 month of September. If you look at
14 Figure 3 on the screen. The September
15 case substantiation rate was 26 percent.
16 With regard to fully investigated
17 allegations in September, the Board
18 substantiated 5 percent of force
19 allegations, 24 percent of abuse of
20 authority allegations, 12 percent of
21 discourtesy allegations, and 22 percent of
22 offensive language allegations.

23 Investigations with video evidence
24 substantiated allegations in 31 percent of
25 cases compared to 24 percent of

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2 and machine readable, and has received
3 overwhelming positive feedback.

4 The DTI represents an unprecedented
5 level of transparency in the agency's
6 23-year history, and has really been a
7 response to the public's request for more
8 transparency. It's my hope that our new
9 interactive website along with the rich
10 body of data that it holds, will help
11 better serve New Yorkers.

12 Additionally in the month of
13 September, the Agency opened a Twitter
14 account at #CCRB_NYC, in order to inform
15 and engage with New Yorkers about events
16 and happenings at the CCRB.

17 And finally, the CCRB was featured in
18 the monthly NYCHA journal, which will
19 allow us to reach residents living in over
20 300 NYCHA resident associations.

21 So there's been a lot of activity in
22 the Agency and outside the Agency this
23 month. And I welcome the new board
24 members, Ms. Stahly-Butts, Mr. Davie,
25 Ms. Fernandez, thank you so much for

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joining us. There have been a lot of positive changes over the last year and a half to two years, and we hope with your support we continue all of those positive changes.

CHAIR WILEY: I will open up to the Board members for any questions or comments on the Executive Director's report.

MS. ARCHER: A few questions.

The first was a few meetings ago, Jonathan Darche talked about delays in serving charges on police officers where charges were recommended by the Board. Is there any update on whether or not that time delay has shrunk or whether or not the Police Department has responded further about that?

And second, you mentioned that CCRB was featured in the NYCHA journal. Can you explain what that means to be featured in the journal?

EXEC. DIR. MALIK: So with respect to the decrease in the service of charges on

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2 police officers, the Police Department has
3 worked towards better time frames in terms
4 of service of charges to the officers.
5 And I'd be happy to provide you with an
6 update as to those numbers in the next
7 board meeting, but they have been working
8 towards decreasing the amount of time it
9 takes to serve the charges.

10 And with respect to the NYCHA
11 journal, I did a question and answer where
12 I provided answers to certain questions
13 that were provided by the NYCHA journal
14 just regarding our operations and how to
15 file a complaint, what the services are
16 that we offer here at the CCRB.

17 MS. ARCHER: Thank you.

18 CHAIR WILEY: Also with regard to
19 serving charges, just as a reminder both
20 to the Board and the public, that despite
21 delays we have not had a statute of
22 limitations issue in terms of the complaints.
23 I think it's important to note that that has
24 not been a problem.

25 Any other questions or comments for

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2 the Executive Director?

3 (No response.)

4 CHAIR WILEY: Okay. Hearing none, I
5 will ask the Executive Director, do you
6 want to introduce the next speaker?

7 EXEC. DIR. MALIK: Absolutely. So we
8 have a speaker tonight, civil rights
9 attorney, Andrea Ritchie. And she's a
10 very noted civil rights advocate, I'll let
11 her tell you all about herself and give a
12 little background from -- about her.

13 But she was invited here tonight
14 because she wants to talk about sexual
15 misconduct complaints against members of
16 service in the NYPD. And this issue has
17 been a very important issue for the
18 public, and I'm happy that she's here to
19 address it tonight. And I think that from
20 her presentation that she's going to give
21 in approximately ten minutes, there will
22 be a lot of positive feedback, there will
23 be a lot of discussion, and a lot of
24 questions raised with respect to what she
25 has to offer.

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2 So if you could tell us a little
3 about yourself, Ms. Ritchie, and give us
4 your presentation.

5 MS. RITCHIE: Thank you so much.

6 Good evening, everyone. My name is
7 Andrea Ritchie, I'm a Soros Justice Fellow
8 also along with Ms. Stahly-Butts. I'm an
9 attorney, and while we're on the topic, a
10 proud graduate of Howard University School
11 of Law, and a researcher who has spent the
12 past 25 years working on issues of
13 profiling and policing of women, girls,
14 and LGBT/Q people of color.

15 So I do want to thank Director Malik
16 and Deputy Director Charles for affording
17 me the opportunity to speak before you
18 this evening on the question of sexual
19 misconduct by law enforcement officers.

20 Historically and currently, it's my
21 understanding that the CCRB rarely
22 investigates complaints involving police
23 sexual harassment and assault on a
24 widespread basis, and instead refers such
25 cases to the Internal Affairs Department

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2 in the vast majority of cases. So I'm
3 here tonight to make a case for the CCRB
4 to vigorously and systematically exercise
5 its jurisdiction over complaints of police
6 sexual misconduct.

7 So let me start by being clear about
8 what I'm talking about when I refer to
9 police sexual misconduct and police sexual
10 violence. According to a 2011 report by
11 the International Association of Chiefs of
12 Police, police sexual misconduct spans a
13 range of behaviors, including sexual
14 harassment toward members of public,
15 taking unwarranted photos or videos.

16 So to give an example of this, for
17 instance, NYPD Officer Carlos Becker
18 admitted at one point to taking videos of
19 a woman named Erica Noonan's lower body
20 while she used a restroom in the precinct
21 because she had a hot body, that's the
22 kind of unwarranted video and photo I'm
23 talking about here.

24 Sexual humiliation or degradation
25 during frisks and searches. Young women

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2 in New York City often refer to Stop and
3 Frisk as stop and grope, that's how
4 frequently this takes place. Unwarranted
5 traffic stops or street stops or callbacks
6 or searches or strip searches. Sexual
7 assault, forcible rape.

8 Extortion of sex in exchange for
9 leniency. So there have been a number of
10 cases, for instance, in which NYPD
11 officers were found to have asked women for
12 sexual favors in exchange for tearing up a
13 summons or traffic ticket or offered to
14 not take someone into custody for drug or
15 prostitution offense, for instance, or
16 disorderly conduct in exchange for sexual
17 acts.

18 Off-duty sexual violence facilitated
19 by the badge. So often officers come into
20 contact with women while on duty. A young
21 woman I worked with, for instance, said
22 the officer grabbed her cell phone, texted
23 himself from it, and then proceeded to
24 send her unwanted and increasingly
25 sexual -- increasingly violently sexual

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2 text messages, presumably while he was
3 off-duty. Other cases that have come to
4 light, officers have met women on-duty and
5 pursued them, followed them home, and
6 engaged in sexual misconduct while
7 off-duty.

8 And finally the IACP includes
9 consensual on-duty sexual activity. I
10 think while similarly raising the question
11 about whether it could ever be consensual
12 while someone wearing a gun with the power
13 to arrest you is engaging in sexual
14 conduct with you.

15 But researchers across the country
16 agree that while the issue of police
17 sexual misconduct is often invisible in
18 public discourse around racial profiling
19 and police violence, it's both highly
20 prevalent and systemic. It, in fact,
21 represents the second most frequently
22 reported form of police misconduct after
23 excessive force, but it's certainly not
24 the second most frequently talked about.

25 So the question is, what do we know

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2 about who is targeted? So national
3 research funded by the National Institutes
4 of Justice, as well as research conducted
5 by community organizations across the
6 country, including many here in New York
7 City, reveals that the targets are
8 primarily women, although some men are
9 also targeted. I once met a client who
10 told me about being forced to give a
11 detective a blow job at gun point.

12 Mostly we're talking about police
13 officers targeting black, Latina, Asian,
14 and indigenous women, young women, LGBT/Q
15 youth, lesbian, bi-sexual transgender
16 women, people who are or believed to be
17 using controlled substances, people who
18 are or believed to be involved in the sex
19 trades, people with criminal records,
20 ironically and unfortunately, survivors of
21 domestic and sexual violence, and female
22 officers.

23 And with the exception of the last
24 category, female officers, it's generally
25 understood that officers will target and

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single out women who are not likely to be believed if they come forward.

In terms of where it takes place. Research indicates that it takes place on the streets, whether it's in the context of traffic stops, where the process is so prevalent that researchers have coined the term "driving while female," to describe the pattern of police sexual harassment and assault of female motorists, and during the streets during Stop and Frisk. So, many of you who have been present during the City Council hearing on Stop and Frisk in 2013, may have heard many young women come forward and talk about their experiences of sexual harassment during the stops and frisks.

It takes place in police cruisers often on the way to the precinct or lockup. In homes where police officers are responding to calls for assistance or conducting welfare checks. In police detention facilities and in precincts in Central Booking. Sadly, in the context of

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2 youth engagement programs. One national
3 study found that over a third of
4 allegations of police sexual misconduct
5 took place in the context of police
6 explorer programs.

7 And particularly in the context of
8 prostitution/lewd conduct enforcement.
9 And this came to light on a national stage
10 in the context of the US Department of
11 Justice investigation of the Baltimore
12 Police Department, and it's something
13 that's been documented time and time again
14 across the country. And often when people
15 in the sex trades do come forward to
16 complain, as they did in Baltimore and
17 have in New York City, their complaints go
18 uninvestigated by police departments as
19 the DOJ highlighted in Baltimore.

20 In Eugene Oregon, where two police
21 officers were found to have sexually
22 abused dozens of women over a period of
23 years, notations on investigative files
24 dismissed their allegations as the
25 grumblings of junkies and prostitutes. I

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say that because that's unfortunately a very common perception and response.

The current status here in New York City is that studies by researchers at CUNY Graduate Center have found that 2 in 5 young women, 2 in 5 young women, report sexual harassment by NYPD officers; 1 in 5 LGBT/Q youth report sexual attention from NYPD officers, making them more than twice as likely to report sexual misconduct than their heterosexual peers; 12 percent of LGBT/Q youth reported being touched inappropriately during searches by NYPD officers; and 10 percent of people in just one Bronx neighborhood had heard police say something of a sexual nature about them or someone in their neighborhood.

And earlier this year, the Legal Aid Society identified over 50 cases of police sexual misconduct by NYPD officers over a ten-year period just that they had become aware of. And their cases include allegations of rape, including of survivors of sexual violence and domestic

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2 violence; fondling during frisks with
3 extortion of sex. In one case an officer
4 extorted sex from a woman following a drug
5 raid threatening to turn her children over
6 to ACS if she didn't comply, and forced
7 her to perform oral sex on him in the
8 precinct bathroom. Sexting with minors
9 and sexual harassment of fellow officers.

10 Yet currently in New York City,
11 there's no official data collection on the
12 prevalence of police sexual misconduct.
13 There's no NYPD policy explicitly
14 prohibiting sexual harassment, assault,
15 and misconduct. There's no specific
16 protocol governing how complaints of
17 sexual misconduct will be investigated or
18 received or processed. And there are no
19 records of officers who have been
20 dismissed or decertified for sexual
21 misconduct.

22 Some of you may have read earlier
23 this year the Associated Press did an
24 investigation nationwide finding over
25 1,000 officers who had been decertified

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2 for engaging in police sexual misconduct
3 over a six-year period. And the author
4 said this number is unquestionably an
5 undercount. And one of the reasons they
6 said that was because they couldn't get
7 any data from places like New York City,
8 which has the largest law enforcement
9 agency in the nation.

10 There's also currently no plan in
11 place for the NYPD to come in to
12 compliance with the mandates of the Prison
13 Rape Elimination Act for police lockups,
14 which require, among other things, that
15 survivors of sexual violence in police
16 lockups, including at the hands of police,
17 have multiple ways to privately report
18 abuse; verbally, in writing anonymously,
19 and from third-parties, and that they must
20 have a method to report abuse to an entity
21 outside of the Agency, and that there must
22 be audits conducted every three years by
23 an external auditor, so this is where you
24 come in CCRB.

25 Investigations. As I said earlier,

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2 sexual misconduct are largely conducted by
3 the NYPD Internal Affairs Department.

4 This gives rise to a number of issues,
5 including intimidation. Survivors report
6 intimidation by investigating officers
7 banging on their doors at 3:00 a.m.,
8 coming to their places of work, taking
9 aggressive tones, treating them as if
10 they're suspects, reminding them that they
11 may have engaged in criminal conduct at
12 the time the sexual conduct took place,
13 and at best people have reported the lack
14 of training by investigating officers on
15 how to investigate police sexual assault.

16 Many fear retaliation by the police.
17 Former Police Chief, Penny Harrington, in
18 Portland, has said -- she was also the
19 founder of The National Center of Women
20 in Policing, said "the women are terrified,
21 who are they going call? It's the police
22 who are abusing them."

23 Another police chief in Sarasota,
24 Florida said, "it's so underreported and
25 people are scared that if they call to

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complain about a police officer, they think every other police officer is going to be out there to get them."

One victim said, "I didn't think anyone would believe me. I feel that all the police would work together."

There's also leaks. In a recent case where the IAB was investigating an allegation of sexual violence, an internal leak in the Department foiled the sting that was planned to catch the officer in the act.

Criminal convictions are rare. So for instance, the officer who filmed the woman's body while she was using the restroom that I mentioned earlier, the criminal charges against that officer were dismissed by a Bronx judge who said, "while the officers conduct was insulting, demeaning, and disrespectful, it didn't rise to the level of a crime." And it's unclear whether the Department ever conducted an investigation or disciplined the officer. And if officers are

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2 convicted, it's often on lesser charges of
3 official misconduct, as was the case, for
4 instance, in a case in 2012 in which
5 Officer Kenneth Moreno was not convicted
6 of rape despite being caught on tape
7 admitting to returning three times to the
8 home of a woman he had supposedly helped
9 back into her apartment, because she was
10 intoxicated, in order to have sex with
11 her. And the criminal charges failed in
12 that case, at least, except for a
13 misdemeanor offense, official misconduct.

14 So you're all, of course, very
15 familiar with your own mandate. And I
16 just would submit that it indisputably
17 extends to cases of police sexual
18 misconduct. They implicate pretextual
19 stops. They implicate excessive force.
20 They're unquestioningly an abuse of
21 authority. And they often involve slurs
22 relating to gender, sexual orientation,
23 and race, among others.

24 So I submit to you the CCRB is not
25 only empowered to investigate cases of

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sexual misconduct, it's the best agency for the job. The Commission on Police Corruption in New York City has documented cases of sexual extortion, but it's not in their power to investigate or recommend discipline in individual cases as you are.

What's needed for the CCRB to exercise this jurisdiction effectively is a public awareness campaign. Every single time I've spoken about this issue publicly, someone has inevitably come forward to me and told me a story of police sexual violence they've never told anyone before. When I asked them, Why? They said, Who was I going to tell? If I didn't want to tell the police, who was going to listen to me?

So there needs to be a public awareness campaign that makes it clear that the City takes this issue seriously, and the Civilian Complaint Review Board is a place where people can safely come to make a complaint. In order to make that true, there needs to be training of the

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investigators here and resources for survivors that deal with the specific trauma of being sexually assaulted by someone who's out there to protect you, including from sexual assault.

There needs to be the possibility of filing anonymous complaints. This is a particular kind of police misconduct that's susceptible to being investigated without the victim necessarily being involved; through stings, through show-ups, through tracking, for instance. Every time an officer has come into contact with a woman, what those arrests have looked like, how those cases have been resolved. That's how Oklahoma City Police Officer Daniel Holtzclaw was caught engaging in sexual misconduct.

And also the CCRB must track and report data, and use its policy power to make recommendations that will reduce the prevalence of police sexual misconduct. The NYPD needs to follow the IACP mandate for Zero Tolerance Policy. It needs to

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2 come into compliance with the President's
3 Task Force recommendations on 21st century
4 policing, which requires departments to
5 come up with policies. And this was a
6 recommendation of the New York City
7 Council, the Young Women's Initiative,
8 which Madame Chair was intimately involved
9 in, and it's certainly something that the
10 young women organizations across the City
11 have been asking for for some time.

12 And also the DOJ recently put out a
13 guidance on reducing gender bias in law
14 enforcement response to sexual assault,
15 which also recommended that departments, in
16 doing so, come up with a policy to address
17 sexual assault by law enforcement
18 officers.

19 So to conclude, as one of the largest
20 and longest standing civilian oversight
21 agencies in the country, the CCRB is
22 particularly well placed to show
23 leadership in tackling this issue head on,
24 and paving the way for oversight bodies
25 across the country to follow your lead in

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2 addressing this issue in this unique and
3 very devastating form of police violence.

4 I look forward to answering any
5 questions or comments you might have, and
6 look forward to the Board taking action to
7 exercise its jurisdiction to investigate
8 and address police sexual misconduct in
9 New York City. Thank you.

10 CHAIR WILEY: Thank you.

11 I want to actually start with a
12 question for the Staff. And let me
13 preface the question by saying obviously
14 in any sector of society, any allegation
15 of this type of misconduct is absolutely
16 unacceptable, whether it's the Police
17 Department, any other government agencies,
18 private sector, it's obviously a
19 conversation we're having across the
20 country in our presidential election
21 cycle, it's unacceptable.

22 The question I actually have for the
23 Staff, which the Staff may not be able to
24 answer, and Ms. Charles I'll direct it to
25 you but recognize you may have to answer

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it separately. Do we have statistics about how many allegations we are receiving that include sexual misconduct? And if we do, the statistics of how many we are actually processing versus referring?

DR. CHARLES: So we actually don't receive any cases that have do with sexual misconduct. We don't have any data to answer that question. The best we can do at this point in time is talk about our numbers with respect to general force cases, which includes a variety of physical and other aspects.

We also have data regarding serious injuries, but again, that covers a wide swath as well. So nothing with respect to specific sexual misconduct.

CHAIR WILEY: Thank you.

MS. ARCHER: Question for either Dr. Charles or Ms. Ritchie. In your research or in your general research, do you know if there are other civilian oversight agencies that handle this type

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2 of allegation?

3 MS. RITCHIE: I'm not aware of any,
4 and I think the reason is similar to the
5 reason why you don't receive them, is
6 because people either they get immediately
7 referred to the Police Department or
8 people think there's only one place to
9 report, which is why the first thing I
10 named was the importance of a public
11 awareness campaign. Because people think
12 the only place to take that is sexual
13 misconduct, 'cause if they went even to
14 your beautiful new website, they wouldn't
15 see police sexual misconduct listed as
16 something you receive complaints on.

17 DR. CHARLES: So the Policy Unit has
18 actually been tracking other civilian
19 oversight agencies across the country and
20 what their jurisdictions are, other
21 aspects of them. We know for a fact that
22 there's not one that deals with sexual
23 misconduct.

24 CHAIR WILEY: Other board members
25 have questions or comments?

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MR. PUMA: I have a question.

You also mentioned kind of a deficit, in terms of the PD side of this story, in terms of policies and track -- and data tracking, et cetera.

I know from your bio that there is an LGBT/Q Advisory Council, of which you're a member, and I know many other members of that body. Just curious, what's the status of -- I'm assuming that advisory body would be interested in making recommendations to the PD about this, and I wanted to understand any sense of whether that's gaining any traction?

MS. RITCHIE: So as you can imagine I've raised this issue at every meeting I've had with the police commissioner, Commissioner Kelly and Commissioner Bratton. At one point when we were negotiating patrol guide changes around interactions with LGBT/Q people, Commissioner Kelly's then Counsel, Catherine Lemire, was appalled to discover there was no policy, and to please follow

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2 up with me. But then left shortly
3 thereafter, and I haven't been able to get
4 a response from the Department since. And
5 so we'll be following up soon and then the
6 recommendation of the Young Women's
7 Initiative that the Department move on
8 this, and I think the President's Task
9 Force has made this clear, this is not an
10 option.

11 And so I would say the CCRB has been
12 the first of many on many fronts, and I
13 encourage you to be a first on this one as
14 well. Thank you.

15 CHAIR WILEY: Just in closing, I'll
16 make one other reference.

17 I also hope there's conversation with
18 the Commission on gender equity for the
19 City, because obviously these issues also
20 fall under its jurisdiction and those
21 issues it takes up in terms of things that
22 can happen from the Mayor's Office
23 standpoint on issues of gender equity.

24 Obviously we certainly can and will
25 raise the question about what policies

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2 exist within NYPD, sometimes we do find
3 there are policies in process or
4 discussion that are not always public, but
5 it's certainly a question that we will
6 ask, as well, to understand the status of
7 the internal policy discussion within the
8 NYPD. But thank you for your time.

9 EXEC. DIR. MALIK: I'd also like to
10 add, if I may, that I want to thank you,
11 Ms. Ritchie, for being here today. I know
12 that this topic was an extension of the
13 work that we did for -- in reaching out to
14 the LGBT/Q community, with last November's
15 luncheon forum, as well as this past
16 June's LGBT/Q symposium. And I appreciate
17 you being part of the conversation.

18 Historically I recognize that this
19 agency has not been so -- in so much
20 outreach to the LGBT/Q community, and I
21 thank you for being here tonight and for
22 presenting and for continuing the
23 conversation, including when we were at
24 the White House a few weeks ago during the
25 LGBT/Q Criminal Justice Briefing.

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CHAIR WILEY: Ms. Malik, do you have anything else in your report?

EXEC. DIR. MALIK: No.

CHAIR WILEY: With that, we will now turn to the phase of the meeting where we have public comment.

The first person on my list is Mr. O'Grady. I'd like to remind the public that we have a five minute limit so that we make sure there's time for everyone.

Mr. O'Grady.

MR. O'GRADY: I thought there was someone ahead of me.

CHAIR WILEY: There is not. You're the first on the list for speaking.

MR. O'GRADY: There are some typos. Page 19 in the minutes, Line 8, "John Wilkes Booth. Booth shouted --" shot it, S-H-O-T, shot is one word, I-T, is the second word. "Booth shot it out with Grant's authority." This information, mind you, is provided by Grant's tomb.

And Line 9, "Mary Surrat --"

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A-S-K-E-D, "-- asked to go into conference with the Roman Catholic priests." This information is provided by Grant's tomb.

Line 13, "and Donis Morfesis."

Morfesis is spelled, M-O-R-F-E-S-I-S, M-O-R-F-E-S-I-S. The District Attorney in Harlem is saying that's a Greek name.

Okay, thank you. What I wanted to say for tonight, William Jefferson "Bill" Clinton name may not be on the ballot, but Bill Clinton calling the shots. This meeting Bill Clinton had with Loretta Lynch, Attorney General, airport runway tarmac. Park Airline is also known as influence peddling, I got the job for you.

It was reported the United States Congress granted Haiti Earth Tremor Relief, \$1 billion, with a B. But billion was awarded to Clinton Foundation for custodial -- custody. United States Congressional earth tremor money, Haiti wound up in possession of one Tony Rodham, full blood brother, construction company, Hillary. Tony Rodham, who built six

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residential units on Haiti. It was reported what happened to remaining \$995 million was unknown early October 2016.

Nepotism. Although before my time, a certain well-known English professor decided that certain well-known New York Federal Senator, United States Congress, but constantly refer to -- acknowledging, pointing out, name dropping his brother president to get elected New York Senator, United States Congress. The English professor indicated the newly relocated New York Senator.

Juanita Broaddrick testified Hillary Rodham Clinton restrained her arms -- retrained her arms while her husband, Bill Clinton, stroke Juanita Broaddrick rectal area with Bill Clinton penis. Kathleen Willey has similar testimony. Monica Lewinsky -- Bill Clinton insert his penis in Juanita Broaddrick rectal area. Hillary Clinton restrained Juanita Broaddrick.

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CHAIR WILEY: I just want to give you the one-minute warning.

MR. O'GRADY: Juanita Broaddrick testified. Juanita Broaddrick testified.

HPD indicated they wanted all information, everything I have on the developers, \$100 million switch-off money Riverton Square residential establishment, 135th Street Fifth Avenue, Manhattan.

Riverton Square -- Riverton Square residential establishment computer building fund. No one apprehended or detained, information was provided by Assemblyman Keith L.T. Wright, resident of Riverton residential establishment, parking space, 200 automobiles.

CHAIR WILEY: We're at time, Mr. O'Grady.

MR. O'GRADY: That's been five minutes?

CHAIR WILEY: Yes, it has. Thank you so much for your time.

Next we have Chris Dunn.

MR. DUNN: Good evening, everyone. I

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want to say a particular welcome to the new board members. I feel like it's a new day.

For those who don't know me, I'm Chris Dunn from the New York Civil Liberties Union. For better or for worse, you'll see me here month in and month out. And I -- I guess I have become, what I characterize, as the institutional memory of the organization. I've been here unfortunately longer than all of you, and I suspect longer than anyone else in the room. So if you have any questions about how to run the place, just let me know.

One thing that is important to me, and Maya, when she started she addressed this, and I'm going to ask each of the three new board members to do so. I hear about your backgrounds, they all sound very impressive. What we didn't get a chance to hear from you is any discussion about your interest in policing and what you bring to the CCRB, and I think -- I know the Staff would be interested, I'd be

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interested in hearing briefly what your interest is policing is and the perspective on policing you're bringing to the CCRB.

MS. FERNANDEZ: Thank you for that opportunity.

My name is Angela Fernandez and running an immigrants rights organization that resides in a neighborhood that was the center for the War on Drugs, and had a particular impact on primarily immigrants with Green Cards, who then found themselves after the 1996 immigration reforms, under mandatory deportation based on convictions and based on particular pleas.

And so I approach it through that lens, other lenses as well, but that one primarily. And so that is where my interest in policing and how it impacts immigrants in the City.

MR. DAVIE: I'm Fred Davie.

So my interest in this goes back a long way, partly because I'm an old man.

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But it started in my childhood, growing up as a kid in North Carolina, in the South, coming to understand what it meant for the police and the community not to have very good and very positive relations, and coming to understand then what issues of accountability -- what the issue of accountability meant and how important it was when it comes to public agencies and particularly the Police Department.

But it has morphed into my professional life. At the Ford Foundation, I funded a national program as a replication of a program that got started in Boston, where efforts were made to get the police, the community, clergy, houses of worship, to work together to deal with issues of crime and also issues of -- allegations of police misconduct.

I did a similar project with re-entry work, a national program, again, at Public Private Ventures. More recently, I've chaired the Public Safety Committee for the Mayor's Clergy Advisory Council. And

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2 just on my own, as an executive at Union
3 Theological Seminary, hosted a number of
4 public conversations about the
5 relationship between police and community
6 that actually included a number of the
7 precincts from the area, as well as
8 community leaders.

9 So the interest is long, is deep, and
10 I hope that some of that will have some
11 positive bearing on the deliberations of
12 this body.

13 MS. STAHLY-BUTTS: Hi. I'm Marbe
14 Stahly-Butts. I think similarly I come
15 from a background of a community, like
16 Philadelphia and California, who were
17 overcriminalized throughout my childhood.
18 And, to come to it in many ways with family
19 members, friends, and loved ones, who have
20 been incarcerated and also been part of
21 interactions with police throughout that
22 history.

23 I work as, since my professional,
24 kind of, legal life started working with a
25 lot of community groups across the

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2 country, including CPR here in New York
3 City, Black Lives Matter across the
4 nation, to do police and criminal justice
5 reform generally. And to speak about it and
6 really advocate for and provide resources for
7 folks who are trying to think of community-based
8 solutions and perspectives around how do we
9 actually address issues of safety.

10 MR. DUNN: Okay, that's great. Thank
11 you very much.

12 Maya, I hope you're not counting that
13 against my time.

14 CHAIR WILEY: I'm not.

15 MR. DUNN: Thank you.

16 So that's terrific, and often times
17 I'm put in the position of standing up
18 here and complaining about things, I'm not
19 going to complain about anything at all. I'm
20 thrilled you're all here this evening.

21 Maya mentioned public comments about
22 wanting to have more conversation on
23 policing, that was her polite way of
24 addressing my complaining about the lack
25 of discussion in board meetings about

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policing. And I look forward in the future, particularly with the new members on the Board, to hearing a lot of discussion about policing that's happening in our city and the important issues that it raises, something that's just been entirely absent from the Board public meetings, as far as I'm concerned, for a long period of time.

Maya, you mentioned the issue about going out into the boroughs. And this is a block that the Agency has been around several times. I would just urge you not to confuse physically having a business meeting in a borough with community engagement and creating an environment in which people can come and talk about policing, those are two very different things. And I'm all for the CCRB being in the community and being available to the community, but I think often times it is too easy to think that having your monthly business meeting is the way to do that. And I think there's a very poor track

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2 record on that.

3 Finally, in terms of the new day. I
4 will mention, of course, we all know
5 there's a new police commissioner.
6 Commissioner O'Neill spoke yesterday about
7 police community relations and the
8 importance of that, and I'm hoping to hear
9 from the Board shortly about how this new
10 board is going to engage with the new
11 police commissioner.

12 And I look forward to you doing new
13 and important things. And I look forward
14 to you being engaged with the Police
15 Department. And perhaps most importantly,
16 I look forward to the CCRB becoming a part
17 of the public conversation in the City
18 about policing, as it should be. Thank
19 you.

20 CHAIR WILEY: Thank you.

21 And I just want to both say that we,
22 as a board and staff, appreciated the fact
23 that you were raising the issue of having
24 much more public dialogue. I think
25 there's absolute agreement that the

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2 idea -- and we'll make mistakes and we'll
3 need to hear feedback on how we can
4 continue to improve. But the idea of the
5 borough-based meetings are not to have the
6 typical business meeting, in order to have
7 much more of a dialogue.

8 So that's exactly what we're going to
9 try to do. I suspect we'll have many ways
10 to improve it as we experiment with it.
11 One of the things that we've done is
12 created a new position, that's not yet
13 been filled, but hopefully will be filled
14 soon, which is a senior-level position
15 that, in part, will help support the
16 strategy conversation, both within the
17 Staff and board, as well as with external
18 stakeholders, really utilizing our
19 excellent public outreach unit to have
20 more strategic conversations with
21 stakeholders about how we do that
22 effectively.

23 So we'll have more staff to help do
24 that. It's one of the things that we've
25 set in place, and hopefully we'll have a

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public announcement about that position soon. But it's very much because we took to heart the point that you raised, and others on staff and on the Board also, had raised themselves. So it wasn't just you, but it was actually important, and we appreciated that you raised it.

Any other questions or comments?

(No response.)

CHAIR WILEY: Okay. Thank you.

So then we have last, but far from least, we have Mr. LaSalle, Jose LaSalle.

MR. LASALLE: Hi. Once again, my name is Jose LaSalle.

I'm the founder of Copwatch Patrol Unit, which is a group of brothers and sisters, over 100 brothers and sisters, that go out into the community and document police and civilian activity on a daily basis. We have a weekly schedule, that I've created, and people out there every single day documenting police.

So our goal is basically to get as much videos as we can to show people that

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does not come into these communities what we see through the eyes of people that do live in these communities and people that do come into the communities.

One of the issues that we have is that a lot of people don't believe too much on the CCRB, because a lot of serious complaints are referred back to the IAB. I think, and Andrea spoke something about that too, especially dealing with domestic violence and other issues. Dealing with the LGBT/Q community, which we assign people to the 6th Precinct. Three times out of week they patrol the 6th Precinct. We try to accumulate as much evidence as we can before we throw it out there into our social media, which we have a big social media, which is also being followed by the NYPD and by chiefs and all different police agencies.

A lot of these cases that are being sent back to the IAB, we -- a lot of people knows and understand that it's not going to be looked at in the way it should

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2 be. So a lot of these cases become cases
3 that probably laying on the desk for years
4 and sometimes they're never even talked
5 about again. So I don't know how the CCRB
6 could extend their way of looking at these
7 cases to the point where they don't have
8 to send it to IAB and they could deal with
9 it themselves, at least some
10 recommendation that will open the windows
11 and door to people and say there is a
12 problem here, and maybe it needs to be
13 fixed. So I'm hoping that CCRB could
14 expand and they don't have to send any of
15 these cases that come to them to the IAB.

16 Another thing we're having issues
17 with is marches and protests. The Black
18 Lives Matter marches and protests is
19 taking place all over the world, but in
20 New York City one takes place every single
21 Monday, which is called NYC Shut It Down.
22 And basically a lot of protests surface
23 every single day within New York City.

24 Now we have been documenting SRG,
25 which is a new Strategic Response Group,

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2 they have been using their bikes as
3 battering rams toward people that have been
4 peacefully protesting. We have documented
5 videos of that, which we will also be
6 filing complaints and sending these videos
7 to the CCRB and filing complaints as a
8 third-party as witnessing this. And also
9 batons. These batons are being used as a
10 tool to push people back. Many officers
11 are very aggressive to the point they are
12 actually mocking people like they're going
13 to hit them with the baton. This is
14 something that is going to lead later on
15 to police officers assaulting people, like
16 in many other states. And this is
17 something we want to address before it
18 gets to that point.

19 And we will send to the CCRB 'cause
20 we want to send it to the different
21 channels so there will be no excuse that
22 it never reached us. So when it happens
23 that something does happen terrible, somebody
24 does get killed, assaulted or left badly
25 injured, CCRB, IAB, NYPD Inspector General

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2 cannot say, We never received none of
3 that. So we're trying to cover all those
4 tracks.

5 So we -- I want to let the CCRB
6 members know that we will be filing
7 complaints on behalf of the Copwatch
8 Patrol Unit and our families against
9 officers that are committing these
10 offenses that we feel are unnecessary,
11 especially in peaceful protests. So
12 starting within next week, you will be
13 getting a whole load of complaints from
14 the Copwatch Patrol Unit.

15 And we hope that you look into it,
16 and hope that a lot of these complaints
17 don't get sent back to the IAB 'cause we
18 know for a fact that the IAB would lean
19 90 percent more toward making sure that
20 the NYPD name is not tainted towards the
21 civilians, and that's been proven through
22 history.

23 One last thing, dealing also with the
24 community, coordinating officers, which is
25 the new NCO program that's been assigned

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2 in the community. We talking about, say
3 for the 46th Precinct there's four
4 sectors --

5 CHAIR WILEY: Mr. LaSalle, you're at
6 time, but I'll let you finish your point.

7 MR. LASALLE: So the 46th Precinct,
8 say they have four sectors. We have two
9 NCO officers assigned to one sector, which
10 approximately has close to 30,000 to
11 40,000 people living in there. It's
12 impossible for officers to get to know
13 these people, and many of these officers,
14 NCO officers, are out there also illegally
15 stopping and harassing people.

16 So people do not feel safe with their
17 systems out there, and then the new
18 program that O'Neill was talking about
19 pushing out there to bring the community
20 and public and together. The problem with
21 that is that we out there in the field
22 every single day, so we see basically what
23 the CCRB don't see, we see what Chief
24 O'Neill don't see, we see what a lot of
25 people here don't see.

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So we want to make sure that people see this, that's why we also creating now our website called Copwatch Patrol Unit, which is copwatchpatrol.org, which we're going to start putting up there what we feel the CCRB is not doing, and what we feel they are doing. We going to put as much evidence as we have. We also going to deal with the NYPD Inspector General, what they've been doing, not doing. And also the IAB. We are going make sure we expose all these agency because we want to make sure they do the job they've been assigned to do.

And finishing with -- we have three -- so I'm going to give you three teams we have. The EPM, which is the unit that is called Expose Police on Misconduct. We have the SIU, which is the Special Investigating Unit. And we also have the PSIU, which is the Police Shooting Investigation Unit. When a shooting takes place, we have a team that's going to go out there at the same

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time, which we've been doing,
investigating behind the police what
happened in that shooting, so we could
draw out some facts. And we've been
successful in many of that.

Thank you very much.

CHAIR WILEY: Thank you.

I want to make a couple comments.
One which is, obviously the CCRB is here
to receive complaints. So we are
always -- that's what we're here for and
that's what we will do and we will be
looking for those complaints from anyone.

In addition, just to reiterate to the
public, that the public does have a right
to videotape, and that that is one of the
categories that we sometimes get
complaints about. But also to say that we
also want to make sure the public
recognizes this does not come without
limits. In other words, there are
legitimate circumstances in which police
officers can ask people to back up, to
stand in a different location. So we also

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2 ask that people be cognisant.

3 We have an outreach unit, and I would
4 welcome people to contact them because
5 it's one of the things they help support
6 the education of community members on,
7 it's both what they're rights are, what
8 kinds of complaints we receive. There's
9 also some guidance about where there are
10 legitimate limits from a policing
11 standpoint with when the police can give
12 instruction about -- at least about where
13 people stand and whether or not they're
14 interfering with a legitimate police
15 activity. So the public education work
16 that the outreach unit does is important
17 and we welcome and invite more connection
18 with that.

19 I will also just want to ask a fact
20 question for the Staff, and Dr. Charles if
21 you -- again, if you can't answer tonight,
22 you can answer and we'll make it -- it'll
23 be publicly available, of course. Can you
24 tell us how many complaints the CCRB
25 receives that it does not investigate and

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2 refers out to IAB? Since that's how I
3 understand, at least, the concern by
4 Mr. LaSalle.

5 DR. CHARLES: I can't say offhand,
6 but we do have that data and I can
7 definitely provide that for the next
8 meeting.

9 CHAIR WILEY: Thank you.

10 Any other questions or comments from
11 the Board?

12 MR. DUNN: Going back to Andrea's
13 presentation, I'm curious about something.

14 I find it really hard to believe
15 you're not getting complaints about sexual
16 misconduct. I mean, it's within your
17 jurisdiction. It would clearly be force
18 or abuse of authority, and it is a widely
19 known problem, I don't know how prevalent,
20 but there's no question it's significant.

21 I'm quite surprised. I mean, maybe
22 there's some sort of protocol, people
23 think you should go to IAB. But I just
24 really cannot imagine you're not getting
25 complainants coming in, who when they're

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interviewed aren't describing something that's got a sexual abuse component to it.

CHAIR WILEY: Dr. Charles, do you want to respond to that?

DR. CHARLES: So two things. First, and I think Andrea can say something about this as well. There's been a lot of research about the fact that sexual misconduct victims are often underreporting such crimes. So for that reason we really don't see a lot come across our table.

Secondly, we can do word searches looking at narratives that come across our table for a particular word; sexual, assault, grope, sexual assault. If we look at those four words I can say from 2011 to 2015 we've had about 96 complaints. But obviously that's a very low number, so that's why we say we really don't understand the scope of the problem because we don't really deal with those cases.

MR. DUNN: Are you, as a matter of

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practice or policy, when you identify cases as such, sending it to IAB and not investigating?

DR. CHARLES: I think Thomas Kim can speak to that from investigations.

MR. KIM: There's complexity that I won't go into, but when a statement is made, sexual comment, such as what you brought up in terms of stop, then we investigate that as a stop. So that's why this is little bit different than what we are -- the layers we have to get to, in terms of how many cases, may involve sexual comments, such as. Then we may investigate under the D or O under F-A-D-O.

However, in terms of actual -- we don't conduct criminal investigations. And I think that's something that the Board would have to decide and it's a bigger discussion. Henceforth, even though corruption falls under abuse of authority, we're not involved in corruption investigation. So that ultimate decision is something that the

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2 Board has to decide, and then as a staff
3 and as an agency we can justify it at that
4 point.

5 CHAIR WILEY: But part of what I hear
6 you saying, Mr. Kim, and I'm going to
7 restate this in my own words and see if
8 this is accurate.

9 There is no protocol within the
10 Agency that automatically sends a
11 complaint to IAB and does not investigate
12 if it has some sexual conduct alleged in
13 it, that is not something we're just
14 necessarily by definition refusing to
15 investigate?

16 MR. KIM: Correct.

17 Such as -- this goes into the same
18 type of situation such as racial
19 profiling, we investigate the allegation
20 of stop or abuse of authority or related
21 to discourtesy and so on. However, if
22 somebody says, I was stopped and I was
23 raped, that would be spun off to IAB, the
24 rape portion of it.

25 CHAIR WILEY: Thank you.

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2 Okay. I appreciate the questions and
3 the Staff responding. So this concludes
4 our --

5 MS. RITCHIE: Just a starting point
6 could be then flagging one, what those
7 complaints are that you have identified
8 that might have a sexual component to
9 them, and accumulating whatever data there
10 is about that. And then starting to
11 explicitly track those cases as they come
12 in, could be a starting point.

13 CHAIR WILEY: All right.

14 MR. O'GRADY: A Harlem woman reported
15 that she and her husband, they work for a
16 military contractor. Her husband used to
17 go to work every morning, a cop used to
18 pull them over and take two dollars from
19 his lunch money. The cop would explain to
20 the husband that if he give him a ticket
21 it would be a much larger sum of money, so
22 he had to give him two dollars out of his
23 lunch money. Harlem woman said this
24 happened to her husband when they were
25 constructing a military -- they worked for

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2 a military contractor.

3 CHAIR WILEY: Thank you, Mr. O'Grady.
4 That concludes the public comment section
5 of the meeting.

6 We are at the old business section of
7 the meeting. Do I have any old business?

8 (No response.)

9 CHAIR WILEY: Hearing none. Is there
10 any new business?

11 (No response.)

12 CHAIR WILEY: Okay. Hearing none,
13 then I will conclude the public portion
14 of our meeting.

15 I will ask for a motion to go into
16 Executive Session of the Board. Do I have
17 a motion?

18 MS. ARCHER: So moved.

19 MR. PEGUERO: Second.

20 CHAIR WILEY: All those in favor.

21 (Chorus of ayes.)

22 CHAIR WILEY: All those opposed? Any
23 abstentions?

24 (No response.)

25 CHAIR WILEY: All right. Thank you

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very much to the public for your time and
attention, and we look forward to seeing
you in the future meetings.

(Time noted: 7:40 p.m.)

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C E R T I F I C A T E

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

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

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

I further certify that I am not related to any of the parties to this action by blood or by 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 19th day of October 2016.

NICOLE ELLIS

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