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2	Public Board Meeting	
3	of the Civilian Complaint Review Board	
4	Wednesday, February 8, 2017	
5	100 Church Street, 10th Floor	
6	New York, New York 10007	
7	6:30 p.m.	
8	MAYA D. HILLEY EGO. GHATD	
9	MAYA D. WILEY, ESQ., CHAIR	
10	JONATHAN DARCHE, ESQ., INTERIM EXECUTIVE DIRECTOR	
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12	PUBLIC MEETING AGENDA:	
13	======================================	
14	2. Report from the Chair	
15	3. Report from the Interim Executive Director	
16	A. NYPD Body-Worn Camera Initiative	
17	B. CCRB Truncation Rate	
18	4. Public Comment	
19	5. Old Business	
20	6. New Business	
21	7. Adoption of Minutes	
22	8. Adjournment to Executive Session	
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24	Reported by:	
25	Danielle Cavanagh	

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2	BOARD MEMBERS PRESENT WERE:	
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4	MAYA D. WILEY, ESQ.	
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6	JONATHAN DARCHE, ESQ.	
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8	YOUNGIK YOON, ESQ.	
9	LINDSAY EASON	
10	ANGELA FERNANDEZ, ESQ.	
11	JOHN SIEGAL	
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13	MARBRE STAHLY-BUTTS	
14	FRANK J. DWYER	
15	JOSEPH A. PUMA	
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CHAIR MAYA D. WILEY: Welcome, everyone. It is 6:31. So I call to order the February meeting of the Civilian Complaint Review Board.

And I am supposed to start with my own report. And I thought that -- oh, Marbre, how are you? I thought that what I would do is start with a little bit of an overview about where we've been because I'm roughly at six months as Board Chair and it has been, one, an honor and a privilege to be the Board of the CCRB. And I thought it was useful to locate some of what's been happening for the past six months because it's not always obvious to the public in part because when I became Chair, we also had several vacancies on the Board. We also had some changes in some staffing positions and we continue to have literally four senior positions that are vacant or about to become vacant within the agency that are posted or soon to be posted, most specifically the executive director position. that is both an opportunity, but it means that we have had a staff that has spent a significant amount of time doing more than one person's job. So I want to both acknowledge that and appreciate the staff for that, and it's meant that we as a board have

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watched a staff really come together and really work very hard to continue the high standards of the agency in getting its work done and its commitment to the issues of accountability.

But I also -- that has also meant that we've been very internally focused for a large portion of the past six months, particularly filling board seats, and I'm very happy to report that we are now almost at full complement. We still have one vacancy, which is a City Council vacancy for Staten Island. But it has been a significantly important step in the growth of this board to have those vacancies filled because, as you all know, this board hears and reviews investigations and investigation reports. So when we have board vacancies, it means more of us are reviewing more cases, which means a lot of our time is spent internally on those cases. And that has actually reduced our capacity to be externally focused, which is something that I think I certainly am excited about and we have wanted to do more aggressively sooner than we were able to because of board vacancies, but that really has shifted now that we have almost a full complement of board members.

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I also want to recognize that it also means we have really virtually a brand-new board. That's a little bit of a big statement but it's pretty true. So we have literally five board members out of the twelve of us who have been on the board for less than a year. I may get the actual count wrong but at least, I think, three board members who have been on roughly three years or less. So that's really a majority of the Board that's fairly new. Thank you, Youngik, for being our longest serving board member, at 12 years?

MR. YOON: Yes.

CHAIR WILEY: Yes. Thank you for that.

But that really has meant that the past six months have been very internal, and for very important reasons, because it's been critical to the mission of the CCRB in terms of acquitting its day-to-day responsibilities.

But the fortunate thing is that we've also been, now that we've had pretty close to full complement, been able to turn our attention to a lot more of those external conversations that we've been wanting to have. So I want to really recognize the Outreach team, which has done a fantastic job, frankly on

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very little notice from me, in order to get us out there. So we had our November board meeting in the jurisdiction of the 75th Precinct, one of the precincts where we have the highest number of civilian complaints. And then in January of this year, we were in the South Bronx in the 40, which also has a very high number of civilian complaints.

And for me personally, it has been the opportunity for this board to do something that I think is critically important for us to do our jobs well, which is to listen and learn, because if we're not clear on the perceptions and the experiences of people in the community around policing, we don't understand sufficiently the context in which we're reviewing complaints. By context, that doesn't change that we review cases one at a time and we make decisions on the facts and evidence before us in those cases. But part of our job, I think, in my view, is to really support fair and effective and safe policing and effective police community relationships, and one of the reasons that these meetings, from my perspective, have been helpful and important -- and our November meeting was well attended despite the short notice but the January

meeting was really well attended and significantly attended, not just by community leaders but by residents, and including youth, which I think was particularly important.

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And there are some certain things that have already emerged in those that I want to note, in those two meetings. And one is that people say both negative and positive things about policing. has been some recognition in our meeting of improvements and appreciations at some of the changes that have been made. There has also been tremendous frustration of things that have not happened. And oftentimes what we've been hearing at least in the past few sessions are things that are not actually under our control as an agency. One example literally was just a community-based organization saying that they used to with a previous precinct commander have a relationship where they would get a call if one of the youth that was in their program was stopped and arrested by the police. And that was extremely valuable just to have that line of communication open and valuable both to the community-based organization but to the precinct. And that was something that was stopped, not for any philosophical reasons but because the

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precinct commanders turned over. And one of the things that they actually said, which was extremely interesting, was they wanted to see more longevity in the deputy inspectors that were over the precinct in the 40. I thought that was an really important and interesting point to hear from community, certainly not one that we control, but it means that in having these meetings we obviously hear some things we do have some control over. But it means that we're able to use our board meetings not just as an opportunity to learn, listen and learn, which I think is critical, but also to information-share with both the precinct and One Police Plaza on some of the things that they might not be hearing.

And importantly, this would've happened, actually, in the 75, it's just that the deputy inspector had a conflict but would have come and we did not give him much notice, but in the 40, he came. And he not only listened to what was being said, but he actually participated, he took questions and it became an actual police/community dialogue. And I think that even though that is not formally in our mission statement, it is one of the ways that we can use the role to support more active

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communication that can create more effective relationships and safer and fairer policing in communities in which we're receiving high numbers of complaints.

And I'm very excited to announce that we have now identified for 2017 every place that we are going to be in community having these board meetings. We will post it on our website. I'm looking because I don't think we posted yet. But we should post so everyone knows in advance since we know exactly where we'll being throughout the year. Although we won't have the exact location identified, at least you'll know which precinct jurisdiction we'll be in. So that for me is very important and it's certainly not enough and it's certainly not the limit of what we can do on public education and outreach and dialogue around policing, but it is a step that we're going to be very vigorously taking this year.

The other thing I just want to note is we have, I think, both had a lot of success -- and not just over the past six months, a lot of this success predates me as Chair -- in terms of making the process of investigating complaints fairer and more

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efficient and having an increase in substantiated complaints because we have more information and data and evidence, not because we're making decisions differently but because we're getting more evidence; but secondly, that we are seeing a much, much higher rate of concurrence with the Police Commissioner, meaning when we recommend discipline we're seeing higher rates of accepting our recommendation on discipline. Those are all important metrics to us but I will say that it's not sufficient. Some of the conversations that we've been having about where we see the opportunity to improve in 2017, both to build on our outreach, not because we haven't, I think, seen tremendous effort from our outreach team, but because having created that success and the tremendous relationships that produced the number of people who came to our community-based meetings, it's an opportunity to actually both more actively and more energetically connect with the public, and also in new and different ways. So that's something we're going to be looking at. not saying that because we know exactly what that looks like yet but it's certainly something we want to improve.

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We want to see more cases that are appropriate for mediation coming into mediation. Many of the complaints that we see that are important -- so it is important if a police officer is discourteous to a resident -- at the same time, sometimes what's most effective is to create a mediation process for that member of service and that resident. Obviously anytime the mediation breaks down or anyone wants to come out of mediation, they'll still go to full investigation. But we think that's an area where when we see these kinds of cases we should see more of them being mediated, or at least an effort to mediate.

Then finally, the truncation rates. This is something we've been talking about internally for a few months. The staffing that we have and the fact that we need to fill some important vacancies means we can't yet say as much as we would like about ways we can improve seeing cases to full investigation, but it is something that I'm looking forward to getting more information about, and we as a board are looking forward to getting more information about from the staff as we fill some of these critical positions that we have vacant.

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Finally, I will say that we, I think, have been extremely honored and privileged that Jon Darche has been willing to be our interim executive director while he has also still been responsible for the APU. Once again, I think there are many staff members who have been wearing more than one hat, not just Jon. But I am also happy to announce that the executive director posting, job posting, will be up publicly tomorrow. So it is our great hope that people see that and we will have many applications and wonderful candidates.

And finally, I'll say that one of the internal pieces of work that we've done is also to reorganize ourselves as a board now that we have almost a full complement of board members. So we have established four committees. We've established -- I don't know if it's the first time in the history of the agency -- I'll have to look at Youngik for this one -- but certainly the first, I think, in the past three years that we have a board Governance

Committee. So we've created a Governance Committee that is going to be responsible for getting policy recommendations from the staff but also developing them and getting them from board members vetting

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them and bringing them back to the Board.

We have a Quality Assurance Committee, which is looking at our effectiveness in how we do our work and ways to continue to improve that, support and improve it.

We have a Public Education Committee because we're very interested in continuing to improve our relationships with community and our profile so that people know we're here, know what we do, but also so that we're continuing that effective dialogue and understanding and learning with community.

And finally, of course, we have a Search Committee for the executive director position.

And on each of those committees, we have a representative of the Board from all the appointing authorities. So we have a mayoral appointee, a City Council appointee and police commissioner appointee on every single one of those committees, as we do on our panels when we hear cases.

That was a lot. I don't usually talk so much in these meetings but I thought since I was at my six-month point and since we're at the beginning of a new year and our first time in this space this year, that I would give a little bit more of a broad

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brushstroke.

And with that, unless there's any comment or any points that any board members would like to make on any of that or any questions...

(No response.)

CHAIR WILEY: Okay. With that, I will turn it over to Jon Darche for the executive director report.

MR. JONATHAN DARCHE: Good evening, everyone.

I'd like to report to the Board on two issues this evening. First, the NYPD's upcoming body camera program, and second, the agency's case resolution rate in 2016.

I met with members of the NYPD's Risk Management Division. They explained the broad strokes of their new Body-Warn Camera Program. Essentially, the program will be initiated in two phases. The first phase will involve one shift in a small number of precincts. The Department plans to commence this first phase in the spring of 2017, which will last for approximately six months. The second phase will commence as soon as that first phase ends in selected precincts and eventually encompass the entire department.

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Unlike the first phase, the second phase will apply to an entire command, not just a single shift. The Department assured me that there will be full cooperation with the agency so that we will be able to use body-worn camera footage in our investigations. The Department's retention policy is expected to retain footage for one year unless that footage is flagged. As 90 percent of CCRB complaints are made within three months of the day of the incident, that period should be sufficient for our investigators to obtain body-worn camera footage.

Our management information system staff will begin work shortly on determining the most efficient way for our staff to obtain body-worn camera footage. This may not be a budget-neutral undertaking, as we may need to upgrade our systems in order to integrate into the Department's system. I will keep you all informed on our progress in this area.

The agency is still preparing its annual report but I'm going to address a statistic that immediately got the attention of the entire staff, the agency's case resolution rate in 2016. The

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agency considers a case resolved if it is fully investigated, mediated or closed as mediation attempted. In 2015, the agency appeared to be on a good trajectory when the case resolution rate reached 50 percent. In 2016, the agency's case resolution rate decreased to 44 percent. While that rate is still higher than the 2014 rate of 43 percent, the staff is committed to exploring ways to improve the agency's ability to successfully engage with complainants and witnesses.

We implemented a new initiative at the end of 2016 whereby the Quality Assurance staff will review all truncated cases. The purpose of this review is not just to make sure that all of our existing procedures are being followed, but to determine if there are things we can do differently to enhance the quality of our investigations and increase the case resolution rate.

I'd like to give you one example of something we found. Before an investigator can close a case as complainant unavailable, he or she must make a certain minimum number the contact attempts. Our Quality Assurance staff discovered that one of our cases had been closed after those baseline contact

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attempts had been made by reaching out to a homeless shelter given as the complainant's address. In this case, the agency should've been mindful of the additional hurdles the complainant faced in following through with their complaint. There is no guarantee that additional steps would've been successful, but as an agency we have a duty to investigate complaints in an effective and thorough fashion. That particular case was sent back to the investigator who took additional steps.

We have been speaking with members of community groups and advocacy community who have expressed their ideas and suggestions for the agency's investigations. Some of the issues raised by these groups include the fact that people fear retaliation if they follow through with a complaint and that our complaint process is too complicated and the requirements we have too numerous. The staff is committed to working through these issues to attempt to address these concerns. There may not be solutions but we as an agency have an obligation to look and see if we can find answers to these issues. And I will be coming back to the board in future meetings with updates on our process.

18 1 Proceedings 2 Thank you. 3 CHAIR WILEY: Are there any questions or comments on the executive director's report from the 4 5 Board? 6 MR. JOSEPH A. PUMA: Quick question regarding 7 the body-worn cameras. And in your conversations with the Department about their plans, was there any 8 indication that there would be any changes to the 9 operations order that is currently in place that's 10 11 relevant to the body-worn camera? MR. DARCHE: I think there will be a new 12 operations order. I have not seen it yet. 13 14 MR. PUMA: Thank you. 15 CHAIR WILEY: And we do typically get those as a courtesy from the Police Department before they're 16 finalized? 17 MR. DARCHE: Yes. 18 19 CHAIR WILEY: So we will have an opportunity to comment. 20 Anyone else? 21 (No response.) 22 23 CHAIR WILEY: Thank you. 24 And one just point of fact that I will raise -thank you, Jon, for that report -- just because I 25

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was concerned about whether or not we had the technological capacity for the increase of video that we're going to receive as a result of body cams and was ensured by our technology team that in fact they had planned for exponential expansion in terms of our ability to store video so that we do, and hopefully, have sufficient storage for the next five years even if the amount of video we get -- and not just from body-worn cameras, actually also we're getting more video from the public -- that we actually have the capacity to store. So that's the good news.

MR. DARCHE: It was a major project in 2016 for our MIS team to upgrade the network so that we can handle that situation.

CHAIR WILEY: Great. Thank you.

With that, we will turn to the public comments portion of our meeting. And we will start with the list. I have Mr. O'Grady. And welcome, Mr. O'Grady. I do want to say that Mr. O'Grady came to the South Bronx for a meeting. So thank you for traveling that way for our meeting, Mr. O'Grady. It was good to see you there. And welcome back.

MR. O'GRADY: Thank you. I'd just like to say

1 Proceedings 2 that -- that Norman Siegel indicated that the city district attorney is unreliable because police 3 provide, quote, the bread and butter for district 4 attorney. District attorney cases come from the 5 6 police. That's Norman Siegel. He said he's not 7 reliable, the district attorney, because they get their bread and butter from the -- from the police. 8 There are a couple of typos. Page 59, line 30, 9 it should read 30 residential units, 30 residential 10 11 units. 12 CHAIR WILEY: I'm sorry, Mr. O'Grady, did you say 59? 13 14 MR. O'GRADY: Page 59, line 30; 30 residential 15 units. And line 20, it should not -- "addition" should 16 17 not be spelled that way. We're saying E-D-I-T-I-O-N. Line 21, manufacturer E-D-I-T-I-O-N, 18 19 E-D-I-T-I-O-N, luxury automobile manufacturer 20 edition. Brand new is the interpretation. And that 135, that's should not be there. It should just be 21 bank manager, say disappearance, easy thing to do. 22 23 And also, page 60. Page 60. 24 CHAIR WILEY: And for the record, Mr. O'Grady's 25 referring to changes in the minutes from the

1 Proceedings 2 January 11th, 2017 meeting, his testimony at that meeting. So he's making corrections on his own 3 testimony. 4 Page 60, line 6, L-O-A-N, I just 5 MR. O'GRADY: 6 said interest, HPDs say they have considerable 7 interest. I don't know where L-O-A-N comes from. CHAIR WILEY: Okay. So delete L-O-A-N. 8 MR. O'GRADY: Yeah. 9 And also, line 10 is D-A-R-K blue uniform. 10 They 11 qot D-O-T. CHAIR WILEY: I see, dark blue. 12 13 MR. O'GRADY: Dark blue, yeah. So tenant organization meeting being held in 14 15 lobby mezzanine floor building, people in possession of apartments in building. Esther Shechtman, white 16 17 woman, CEO, Mulberry Associates crashed, C-R-A-S-H-E-D, crashed through door unannounced, 18 19 snatched the podium from tenant leader, a black church woman. Esther Shechtman, white woman, 20 ordered all tenants out of the lobby. She bought 21 the building from Endonus Morphisus (phonetic). 22 23 Heavyset black woman, tenant leader, lightly pushed 24 Esther Shechtman down small flight of stairs. Esther Shechtman sold building the following 25

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business week to her male negro porter. Guy pulled garbage for her. Corporation Counsel knock on all tenant doors, advised male negro porter pocket caused to disappear \$200,000 Corporation Counsel money. And the Corporation Counsel, they're in this building. Someone said it's the fifth floor. Corporation Counsel put Esther Shechtman man off property. Corporation Counsel put him off the property about that \$200,000 that he bought the car, luxury automobiles, with. And that says a manufacturer edition, brand new, new. (Inaudible). Thank you. CHAIR WILEY: Thank you, Mr. O'Grady. I have next on the list Felix Los [sic] Campos. MR. LEO CAMPOS: Good evening. My name is Felix Leo Campos. That's just my own chicken scratch. I apologize to the folks up front. In regards to the storage of video footage that's captured, I don't know what format it's used

In regards to the storage of video footage that's captured, I don't know what format it's used to capture video, I don't know what format is used to store the video. But you can in essence shrink the size of the video file in using our formats. So if you go -- there are so many -- so if you go from A you can go to 3 and just shrink it so they won't

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take so much space. If you can keep the footage longer -- and who knows, hopefully not -- but it might associate itself with something that happens even further after the three months are gone.

Secondly, and the reason why I'm here is because while I know that the Citizen [sic] Complaint Review Board has to do with policing by NYPD, I'd like it to expand on its definition of policing and include other agencies such as the family judicial system, my description, that includes not just the courts but the Administration for Children's Services, the Children's Law Center, the Child Support Support Collection and Enforcement Unit and others that are unregulated or unsupervised and act on their own with impunity and immunity and consequently, people suffer, families suffer, children suffer.

I think that the recent history of the deaths of children, not least of which -- and I'm trying to remember what the young man's name -- but he had an affair with his teacher and it was a double homicide where he killed both his child and the teacher. When he was escorted, it was reported that he was being stressed out or frustrated with the court system in the family judicial system. That happens -- that

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happens often. That happens too often, as a matter of fact. A lot of the murder/suicides that occur in family situations have the family judicial system as a common element in all that, whether it be ACS or the courts or the Child Support Collection Unit or any one of the other agencies. I'd like for this review board to consider broadening its scope and include other agencies where policing takes place, but not necessarily by NYPD.

Thank you.

CHAIR WILEY: Thank you, Mr. Leo Campos. Just for the record, just so the audience knows and the public knows, we do not have the power under the City Charter to unilaterally expand our jurisdiction. That would require a change in the New York City Charter. So I just wanted to make sure that that was understood. So City Council would also be an important place to raise those issues. Thank you.

MR. LEO CAMPOS: Thank you.

CHAIR WILEY: So next on my list is Anthony Pappas, and it's good to see you again as well.

MR. PAPPAS: Thank you again for having me.

I'd also like to encourage the CCRB to expand

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its purview and deal with other issues that affect human lives. It may be that you don't have jurisdiction at the moment but you also could advocate with the City Council and other legislators to expand the jurisdiction. You don't have to sit paralyzed and say we can't do anything.

Last time I described the issue of judicial immunity where a 15-year-old girl was sterilized by tubal ligation without the due process and the judge received immunity from the United States Supreme Court.

Now, about two years ago, we have another precedent case. You had a judge deciding a child custody case between a mother and a father. The judge had sexual relations with the mother. He impregnated the mother, making her pregnant. While he was doing this, he was issuing decisions adverse to the father in terms of due process and legal expenses and emotional distress and civil rights.

When the affair was uncovered that he was having sexual relations, the case went up to the United States Supreme Court, which essentially denied the rid of certiorari and affirmed that the judge has immunity. So now everyone should be aware that with

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this precedent case, judges can have sexual relations with litigants before them and they have immunity. I would hope -- I don't know what comes next. Maybe I can have sexual relations with my students to give them a better grade and get immunity from that. So this concept of judicial immunity is atrocious. And there are a lot of esquires on the board. I'd like you to tell me where in the United States Constitution it says that a judge can have sexual relations with someone who's before him and whose case is being decided, and therefore, he gets immunity from being sued.

So please expand your purview to these areas which, of course, encompass many situations where people just go from family court right over here -- Steven Cufikes (phonetic) went from family court to the George Washington Bridge and jumped off and no one conducts an inquest, no one looks at what the judge decided, and that happens throughout the United States and it's just terrible.

And the judges never have a town hall, they never listen to the complaints of citizens or the community. They have created all these barriers where they have become arrogant and, you know,

1 Proceedings 2 unaccountable and it's just an atrocity in terms of our Constitution now in the 21st century. 3 Thank you. 4 5 CHAIR WILEY: Thank you. 6 And next we have Chris Dunn. 7 MR. DUNN: Good evening. CHAIR WILEY: Good evening. 8 MR. DUNN: I was not in the Bronx. 9 CHAIR WILEY: No, you weren't. 10 I apologize. 11 MR. DUNN: So I appreciated your state of the state or 12 state of the Board and I don't dispute there have 13 been a lot of changes with the Board and I 14 understand the staffing situation. But I at least 15 am not buying the suggestion that that explains why 16 the Board has had so little external facing 17 activity. And you and I have had this discussion so 18 19 I'm repeating myself with you at least but I want the entire board to hear it. 20 I earlier this week, which just goes to show 21 that I have too much time on my hands, went back and 22 23 looked at transcripts going back almost to the day you started, Maya, looking to see what sort of board

discussion there was about anything beyond, do you

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approve the minutes and do I have a motion to adjourn the meeting? And I will tell you that I found virtually nothing in the way of any board conversation whatsoever about any of that, anything beyond those two issues including, of course, any discussion about the Taser report that you folks issued in October, something I have raised before, including discussion about the year-end figures, about which I wrote to all of you last month after the January meeting when that was not discussed.

And I understand and I accept the notion that this is an institution that's had a lot of change and that many of you are new to the board. I do not accept the notion that that is an explanation or an excuse for there to be no public board activity at all. And it is fine and I laud you for going out into the community and doing a listening tour of sorts. And I agree, Maya, you need to have context to think about your work and think about complaints. That is not -- that does not mean the Board engages in no business whatsoever. And I am struck by meeting after meeting after meeting. Is there any new business? No, there is not. Is there any old business? No, there's not. Do I hear a motion for

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adjournment?

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CHAIR WILEY:

So I am simply saying to you that we, the public -- and I'm not just John Q Public. I am, of course, somebody who pays a lot of attention to the Board and my organization pays a lot of attention to the Board -- we expect the Board, particularly at a time when policing is playing the role that it is in the public, to be active and to be talking. And maybe you are engaged in activity in executive session that I'm not aware of and the public is not aware of but if that's the case, you should not be doing that and, of course, that would be a violation of the open meetings law. All I know and all I see and all the public sees is month in and month out this board not engaging in any substantive activity as a police oversight body. And I'm just going to say to you that that's unacceptable from my perspective. It should be unacceptable from your perspective. And I certainly hope and expect that changes. I will tell you that for people like me and other advocates there's no reason to come to these meetings to hear nothing happen. Thank you.

Thank you.

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Let me -- first of all, I want to make sure -- I don't have anyone else on my list for public comment, so I just want to make sure there was no one else who wanted to speak who I do not have.

(No response.)

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CHAIR WILEY: Okay. Seeing none.

And I will address your point, Chris, because, one, as you know, I have a lot of respect for the advocates, and including the NYCLU for the work that you do every day. I think you -- I certainly did not share that background as an excuse for your I see it very differently and that's not why I was sharing the background. I think one of the things that is true for -- and board members can speak for themselves, but from my perspective is the things that we have been discussing as a board are not things that we are permitted to discuss publicly, meaning we have spent a huge amount of our time, when we are going back into executive session, for transparency purposes, we're often talking about cases. That is not something we can discuss in public. So and we're also reviewing subpoenas because I will tell you, quite frankly, one change in the law I would like to see is that we --

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currently, under the Charter, we as a board, as a full board, have to approve subpoenas. So we're spending way too much time looking at individual subpoenas in individual cases rather than teeing up the larger conversations that we have to have.

So in executive session, what we have been doing each month is actually the bread-and-butter discussions that we have to have about outcomes in individual cases, which are not subject to public discussion. Having said that, I certainly agree with you that where we have business that needs to be discussed and that is appropriate and lawful for the public discussion, we will have them. Part of why I say that we have had so much internal focus is exactly that. The other thing we don't talk about internally is our staffing, not the fact of vacancies but if we're having discussions about whether and how we should consider not a final decision, but just talk about and consider how we're addressing staffing, that's not something we do in the public parts of the meetings until we're at decision. Talking about board committees, which I just shared the decision that we just made about how we are going to organize our board committees,

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that's another subject for discussion.

I think we will get there. I think there are real reasons why we haven't been there.

I'll also address the Taser report. But before I do, I want to just make sure that since I was raising the point just about the discussions in meetings if any other board members have any comments or questions.

MR. SIEGAL: Yeah, I'll be glad to say something maybe a little more impolitic. You weren't at the Bronx board meeting. You didn't get a report on what public discussion there was at that meeting because people who raised some of the issues that you're raising didn't stay to hear that discussion. So that's what happens.

MR. DUNN: I watched the entire video, John. I know everything that was said at the meeting.

MR. SIEGAL: Well, then I think you know that there's been in that forum and others substantive response to the quite non-substantive procedural critique of that report. And that's been really fully discussed by this board in public.

CHAIR WILEY: Are there others who have any comments or questions or statements?

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(No response.)

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CHAIR WILEY: All right. So just to address the Taser report, so the real thing that I would underscore is that report -- I'll take full responsibility for the delay in getting that report out because one of the things that happened when I came as the chair, which was after the leak of a draft, not a final, which I think was unfortunate, since it wasn't a final, was that I immediately went out of the country for a month and then came back as a board chair facing a lot of these internal points that I raised in my report, including staffing out the board, including some of the staffing issues and including the fact that, quite frankly, I was also starting a very big new job, which is a reality, which means if I could go back and do it I would've gotten that report out faster because I think that created optics that are unfortunate. The data, as you know, did not change one shred from the leaked report to the report that was made public. I stand by the report that we finalized and got out there. And yes, we did have -- the Board was fully aware and the draft of that report was circulated to the Board before it was made public.

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But the final issue in terms of that Taser report and the changes that I made as chair was the fact that we had three substantiated allegations. And so to write a 40- or 50-page report based on three substantiated allegations, and only -- I think we only had 51 or 52 fully investigated complaints and then all the other 100 -- roughly 160 -- I may have the numbers wrong -- as a total number, the majority of which were not fully investigated, meant that I did not think it would support the credibility of the agency to put that report out as anything other than a baseline report that said this is an issue, here are what is recommended as best practices nationally, and we are going to continue to track it as an agency as Tasers are rolled out, and we will be updating our report as we get more I will stand by that decision because I think it was right, fair and the credible thing to do as an agency that has to actually hold the public integrity. I don't think the draft was final. don't think it was intended to be final. And that was certainly something that we discussed as a board and the Board had access to the draft.

But I do wish we'd gotten out faster.

I wish I

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hadn't delayed because I think that also contributed to some of the impressions that got created. But that's the short story on the Taser report, and I look forward to us updating it.

MR. DUNN: So if I might, I just want to be clear I'm not contesting that and I would not have a problem if in October you guys issued the report, you put out a press release, at the next meeting you said, You know, we did (inaudible), it turned out that we have something here and we don't think it's particularly significant but here it is for what it is. But that didn't happen.

CHAIR WILEY: I think that's fair. I think that's fair.

MR. DUNN: So, you know, this may be the product of good intentions having gone awry but when there's all this attention to it and then you guys release it in a way and never talk about it, it just raises obvious questions.

CHAIR WILEY: Look, I think it's a perfectly fair thing to say. I did say at the previous board meeting before it was released that it was going to be released and when it was going to be released, so I don't think we were hiding the ball in any way and

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we said it in a public meeting. But certainly, I agree that we could -- yeah, could we have said more? And I mean to your point about saying more substantively about what happened, certainly. And honestly, because the data was already put out in June, you know, it just didn't seem -- so hindsight being 20/20 -- I think that makes sense at the time -- it really just didn't seem since the data had already been made public like that big of a -- I wasn't thinking about it in that way. But my point to you is I hear that. But other board members can weigh in. But from my perspective, I get that.

MR. DUNN: And then my broader point is -- and you mentioned that Youngik has been here for twelve years -- well, he is the new guy on the block as far as I'm concerned. I've been coming to these meetings for better, for worse for seventeen years twelve times a year and I can tell you I have never in all that time heard less discussion by this board about the business of the agency.

I understand in executive session talk about cases, of course, and you talk about personnel matters, of course. But I have been here through thick and thin with hostile administrations and

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ostensible administrations that care about police oversight and I have heard more discussion typically in two meetings about policing than there has been on this board in a year. And I'm just telling you you folks can continue to carry on in the way that you are doing so, and I'm just saying to you people like me are going to be saying why pay any attention to the CCRB because they seem not to be paying any attention to policing?

CHAIR WILEY: See, that part is, I think, grossly unfair, and I think that's to John's point. So I'm with you in terms of understanding what you're suggesting and why. And I certainly don't have the history that you have and I can't say that I know what the board practice has been for twelve years, let alone thirty years. But to say that this board doesn't discuss policing is unfair and you shouldn't say it. And that was my point about us going out in the community. But I think part of what's happening when we're going out in the community is we really also want to make sure we are hearing. I don't think that that's because this is a reticent group of people, at least from my perspective, and I don't know everyone in equal

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ways. But that's the only part of what you just said I will take issue with. But to say that we don't talk about policing, Chris, it's just not fair.

MR. DUNN: Well, okay. I'll just say look at the transcript because, yes, when people from the community come and talk oftentimes members of the Board say something in response or ask a question. I get that. That's not what I'm talking about.

CHAIR WILEY: I understand.

MR. DUNN: I'm talking about this board in terms of the business of the Board. And go back. And I went through -- I'm kind of sorry to say this but I went back through transcript after transcript after transcript to see how much Lindsay is saying, just to pick out Lindsay because I like picking on him. And it's meeting after meeting after meeting -- and you're not alone, Lindsay, let me assure you -- where nobody says anything as a board functioning talking about police issues.

MS. ANGELA FERNANDEZ: I'd like to add something.

CHAIR WILEY: Marbre wanted to get in.

MS. MARBRE STAHLY-BUTTS: My issue goes back to

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a different point.

MS. FERNANDEZ: So in the Bronx meeting there was plenty of discussion. There were different members of the Board that actually made sure that the community actually encouraged even more conversation. I think that's very unusual for a board.

And then in one of our board meetings -- I can't remember if it was October or November -- there was a presentation from the Policy Department on what had been going on in policing. So I think that we have shown examples of conversing even as a board or engaging with the audience on the work that's being done.

CHAIR WILEY: Marbre.

MS. STAHLY-BUTTS: Thank you for the recommendation which is what I'm taking it as.

I think Andrea Richie, who came to my first meeting, talked about sexual violence and it was one of the most fruitful conversations that I've actually witnessed in this space. So I think that it's happened but also can happen more.

I just want to take issue with or clarify the critiques of the Taser -- the critiques around the

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Taser report as non-substantive, as Jon said, I think do not reflect my opinion of those critiques. I just wanted to voice that.

CHAIR WILEY: Anyone else?

MR. FRANK DWYER: I would just join that the report said that even though there's only a small number, 94 percent of them were exonerated or unsubstantiated. That didn't seem to me to be a world-breaking finding that we would -- you know, we want to examine it further, we hope it remains the same. We participate in all the concern everybody else does as we expand Tasers in New York City.

But you know, like I sat here before when Maya opened and I thought she did a brilliant job explaining all the things the Board has been doing and working on and I didn't have much to add and I don't have much to add. If you want to ask me a question, I'll try to answer a question for you. But I don't have anything at the moment that I'm inclined to say that I think would contribute substantively to our dialogue.

MR. LINDSAY EASON: I hear you, Chris. And since we are in the business of cooperating and being engaging with the public, your comment's

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slightly off the mark in terms of questioning our maybe passion and dedication. That's what caused a silence that sometimes you hear from the Board. But I'm sure that as a collective group here we can all find something to that, where we can discuss at these meetings. But your comments were slightly off the mark when you questioned the efforts of the Board. But I'm sure it's something that we as a group will discuss and see if we can have more open discussions here where and when we can.

CHAIR WILEY: John.

MR. SIEGAL: Let me clarify what I said. The explanation as to why as to the data underlying the Taser report has been public for a while now and I haven't seen any critic of that report or the process of that report take exception of the fact that there wasn't sufficient data to justify broader findings. I've been on the Board a short time. I've already had a number of cases that I've been on fact-finding panels that involve Tasers. It would've done me no good at all to see an adjective-laden conclusory report. It did me great benefit to see a report outlining procedures and best practices on Taser use because the guidelines

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that we have and the basis for making determinations on the use of Tasers are not very complete. And I think we are confronted by and are going to be confronted by a lot of hard cases where there may be a conflict between some of those guideline procedures on the one hand and the reason that Tasers are so prevalently used and the reason that officers are using them. And we have to grapple with that. And that report for me is an educational thing, for me, and therefore, probably for the public was very beneficial.

CHAIR WILEY: I think the other thing -- yes, please come up. I just think the other thing -- and really, Chris, I just want to say it's not that -- I hear you. I think we just haven't had those kinds of questions for debate as a board because we have been spending so much time on the nuts-and-bolts work of the agency. And one of the things that has made me very privileged to serve as chair is that that is a group that has really come together to do that work. And I don't know this for a fact, I have heard things that suggest that sometimes the Board only looks at cases, individual cases, rather than also doing the governance work that has to happen in

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an agency, and because this board has really stepped up to that, to being a governing board, it's meant that we've actually been digging down deep into helping to support the agency more in the day-to-day. I also think we're coming to a different place having done that. We have some more senior staff vacancies to fill, certainly. But part of, I think, what we're all excited about is seeing and feeling like we're getting to a new place because of all the investment that we have made as a board in doing that work and doing it more collectively. So I'm not just doing it as Chair, that it's actually a group of people doing the work.

Mr. Pappas.

MR. PAPPAS: My impression is that the CCRB is doing an excellent job in its functions. It reaches out to the community, it welcomes disparate viewpoints and it listens to what people are saying.

By contrast, we have many examples of other government bodies that don't do that. The Mollen Commission is an example. I was scheduled to speak at it. I went through the process of qualifying and submitting an application to be a speaker. When I arrived at Pace College, they told me, Get lost.

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And then Governor Cuomo shut it down and, you know, it didn't accomplish anything when there were, you know, loads of people that wanted to continue the conversation with the Mollen Commission.

And if this gentleman is from the New York Civil Liberties Union, the NYCLU is a hypocrite because these issues about judicial immunity, which deal with the civil rights and the human rights and the New York Civil Liberties Union and the American Civil Liberties Union doesn't deal with them at all. It just ignores them. So how can it complain about the CCRB when they have an open field to deal with it and as hypocrites, they just ignore something that they know is a serious problem.

Thank you.

CHAIR WILEY: Thank you.

MR. YOUNGIK YOON: (Inaudible).

CHAIR WILEY: Yes, of course.

MR. YOON: So I do agree with Chris, that the Board used to be engaged in more debates. But I think maybe this board is more new so maybe when board members are more experienced and we have more ideas and issues, we could have more discussion.

MR. EASON: But we hear you, Chris, and thank

45 1 Proceedings 2 you for your comments. 3 MR. DUNN: You're welcome, Lindsay. CHAIR WILEY: Great. Thank you. 4 Okay. So moving on on the agenda. Now we get 5 6 to -- we are going to do adoption of the minutes. 7 I'm going to ask for a motion and ask if I can get a motion accepting the friendly amendments from 8 Mr. O'Grady on the corrections in the minutes on his 9 testimony. Do I have a motion? 10 11 MR. EASON: Motion. CHAIR WILEY: Do I have a second? 12 13 MS. FERNANDEZ: Second. CHAIR WILEY: Thank you. All those in favor. 14 15 (Chorus of Ayes.) 16 CHAIR WILEY: All those opposed. 17 (No response.) CHAIR WILEY: Any abstentions? 18 19 (No response.) CHAIR WILEY: With that, the minutes are 20 21 adopted. Thank you. I am now going to go to the part of the agenda 22 23 that drives Chris Dunn crazy. 24 CHAIR WILEY: Is there any old business? 25 (No response.)

46 1 Proceedings 2 CHAIR WILEY: Hearing none, is there any new 3 business? (No response.) 4 CHAIR WILEY: Hearing none --5 6 MR. DUNN: I rest my case. 7 CHAIR WILEY: And we hear you. And we just don't have any fights with one another right now so 8 we'll have to be your evening entertainment another 9 time. 10 So do I have a motion to adjourn to executive 11 session? 12 13 MR. DWYER: Motion. 14 CHAIR WILEY: Do I have a second? 15 MR. EASON: Second. CHAIR WILEY: All those in favor. 16 17 (Chorus of Ayes.) CHAIR WILEY: Any opposed? 18 19 (No response.) CHAIR WILEY: Any abstentions? 20 21 (No response.) CHAIR WILEY: Hearing none, thank you very much. 22 23 That concludes the public portion of this meeting. 24 Thank you all for coming. We hope we see you next 25 month. Is next month, by the way --

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2	THE SPEAKER:	Saint Albans.	
3	CHAIR WILEY:	Saint Albans, Queens.	
4	(Time noted:	7:23 p.m.)	
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2	CERTIFICATION	
3		
4	STATE OF NEW YORK)	
5) ss.:	
6	COUNTY OF RICHMOND)	
7		
8	I, DANIELLE CAVANAGH, a Notary Public	
9	within and for the State of New York, do hereby	
10	certify:	
11	I reported the proceedings in the	
12	within-entitled matter, and that the within	
13	transcript is a true record of such proceedings.	
14	I further certify that I am not related	
15	to any of the parties to this action by blood or	
16	marriage and that I am in no way interested in the	
17	outcome of this matter.	
18	IN WITNESS WHEREOF, I have hereunto set	
19	my hand this 20th day of February, 2017.	
20		
21		
22		
23	DANIELLE CAVANAGH	
24		
25		

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