

Civilian Complaint Review Board - Final
April 12, 2017

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CIVILIAN COMPLAINT REVIEW BOARD
PUBLIC MEETING
April 12, 2017
6:30 p.m.
-----X
100 Church Street
New York, New York 10007

TRANSCRIPT OF PROCEEDINGS

B E F O R E:

- Maya D. Wiley, Esq., Chairperson
- Jonathan Darche, Esq., Acting Executive Director

PUBLIC MEETING AGENDA

- =====
- 1. Call to Order
 - 2. Adoption of Minutes
 - 3. Report from the Chair
 - 4. Report from the Acting Executive Director
 - 5. Report from Director of Mediation
 - 6. Board Discussion of Agency Goals
 - 7. Public Comment
 - 8. Old Business

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1 9. New Business

2 * Criminal Histories

3 10. Adjournment to Executive Session

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BOARD MEMBERS PRESENT:

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Maya D. Wiley, Esq., Chairperson

John Siegal, Esq., Board Member

Lindsay Eason, Board Member

Salvatore F. Carcaterra, Board Member

Ramón Peguero, Esq., Board Member

Frank J. Dwyer, Board Member

Joseph A. Puma, Board Member

Youngik Yoon, Esq., Board Member (Participating

Remotely)

Jonathan Darche, Esq., Acting Executive Director

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2 CHAIR WILEY: Good evening.

3 Welcome. Thank you very much. Good
4 evening. And we have Mr. Youngik is in
5 Italy and has joined us from Italy at about
6 1:30 a.m. in the morning in Italy. So that
7 is real dedication. Thank you, Mr.
8 Youngik.

9 (Applause.)

10 CHAIR WILEY: Welcome everyone to
11 the April meeting of the Civilian Complaint
12 Review Board. I am calling this meeting to
13 order. It is 6:36 p.m. I want to start
14 actually with the adoption of the minutes
15 so we can get them out of the way. Do I
16 have a motion on the minutes?

17 MR. DWYER: Motion.

18 CHAIR WILEY: Do I have a second?

19 MR. EASON: Yes.

20 CHAIR WILEY: All those in favor?

21 (Chorus of ayes.)

22 CHAIR WILEY: All those opposed?

23 (No response.)

24 CHAIR WILEY: Any abstentions?

25 (No response.)

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CHAIR WILEY: Hearing none, the minutes are adopted. Thank you. I will give a brief report. It's been a very busy month for the CRRB. Every month is busy but in particular this month we have had a few things that are worth noting.

One, obviously, we had the leak of confidential records by a member of our staff who is now no longer a member of our staff who chose to resign after we identified the person as the source of the leak. I personally, want to thank the staff for their quick and effective work in identifying the source of the leak, and for their review of our records just to ensure that our systems are still operating well. We believe they are so for my board members, I will tell you firmly that I am extremely pleased with how the staff managed it and with their review of integrity of our system but, of course, we will continue to review the integrity of our system.

Secondly, it is budget cycle for

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2 the city so we had our testimony before the
3 city counsel on our -- on how the agency
4 was doing from a budget perspective. A lot
5 of what we were reflecting were the
6 successes of the agency over the past year
7 or so in the sense that we have become
8 frequently more efficient with a 60 percent
9 reduction in the time it takes to complete
10 investigations, and a 259 percent increase
11 in outreach.

12 In the fact that we actually have
13 extremely high rates of success with our
14 mediation program, 88 percent, in the terms
15 of the satisfactory conclusion of a
16 mediation so we are very pleased about
17 that. We're also in a context in which we
18 have seven board members out of twelve who
19 have served on the board for less than a
20 year so we have a group of people who have
21 come together fairly recently and we're
22 working very effectively together and I'm
23 very appreciative of the Board and the fact
24 that three out of the last seven of our
25 board meetings, since I've been Chair,

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2 we've actually had in communities in
3 Brooklyn, in the Bronx and in Queens where
4 we have high numbers of complaints so that
5 we're actually bringing our meetings and
6 discussions to the community to get a
7 better understanding of what's happening
8 with police and community relationships and
9 what might happen to improve them, and
10 supporting more dialogue there, which has
11 also been useful in helping us better
12 understand some of the things we can
13 improve on as an agency. So one of the
14 things we will discuss in this board
15 meeting, which really is teed up by a lot
16 of the things we said in our budget
17 testimony in terms of where we can continue
18 to grow and improve.

19 So while we are very proud of the
20 accomplishments over the past couple of
21 years, we also know that that just creates
22 more opportunity for improvement and we've
23 had an incredibly dedicated staff that's
24 dug into this, and I, as a fairly new board
25 chair, said, let's start looking at

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2 ourselves as an agency from the perspective
3 of goals and where and how we want to
4 increase our impact given our mission of
5 police accountability and supporting better
6 police community relationships.

7 So one of the things that we will
8 talk about in this board meeting are goals
9 that the staff have identified to bring to
10 the Board for the purpose of consideration
11 for fiscal year 18, and a lot of the ways
12 that we have been talking about our budget
13 particularly for our conversations with the
14 office of management and budget has been
15 with some of them as goals in mind. The
16 Board hasn't approved of these goals but
17 certainly, thinking about them as areas for
18 development and improvement so we will
19 continue to talk about that as we move
20 forward into our budget cycle but it's just
21 one of the ways we're trying to make more
22 effective how we work as an agency and as a
23 staff and as a Board in collaboration in
24 thinking about how we support our
25 effectiveness. So that will be to come.

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2 And the only thing I'll add is
3 that, and it will show up in our
4 conversation about our goals, and that's
5 that we also had -- the city had a ruling
6 from the first department on the litigation
7 on transparency of release of disciplinary
8 records, and for us, as we have publicly
9 stated, we believe that it is critically
10 important that these records be made public
11 in order to have sufficient accountability
12 in police and community oversight. The
13 result from my perspective just ups our
14 obligation to do much more effective
15 outreach in advocacy on amending 50-a,
16 which is the state law that the court has
17 said precludes us from sharing those
18 disciplinary records. So I want to note
19 that as a major event since we last met,
20 and you will see that showing up in some of
21 the goals that are proposed by staff. With
22 that, I will stop there and I will ask our
23 acting Executive Director, Jon Darche for
24 his report.

25 MR. DARCHE: Thank you, Madam

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2 Chair. Tonight, I am going to give a brief
3 statistical report and a short update on
4 agency staff's work to prepare for the New
5 York City Police Department's Body-Worn
6 Camera Program. For a full review of our
7 monthly statistics, please visit our
8 website.

9 In March 2017, the CCRB initiated
10 403 new complaints, which is an increase of
11 16 percent from February 2017 and an 11
12 percent decrease from March 2016.

13 So far in 2017, the agency
14 initiated 1,087 new complaints, which is
15 seven percent less than in the first
16 quarter of 2016. With regard to complaints
17 received by type of allegation, comparing
18 March 2016 to March 2017, complaints with a
19 discourtesy allegation decreased
20 17 percent; complaints with an offensive
21 language allegation remain the same;
22 complaints with an abuse of authority
23 allegation decreased 13 percent and
24 complaints with a force allegation
25 decreased 15 percent.

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At the end of the March, the CCRB's total open docket was 978 cases. 649 of these cases were in the investigations division representing 66 percent of the total, up from 620 at the end of February 2017. Of the total docket, 224 cases were pending Board or executive staff review, and 92 cases were in the mediation program.

There were an additional 13 cases on DA hold. The March 2017 Docket includes 14 reopened cases, 6 of those cases are active investigations -- 8 of those cases are active and 6 are pending Board review. Of the cases that remain in the CCRB's active docket, 90 percent have been open for four months or less and 98 percent have been open for seven months or less. Investigators closed 43 investigations in March 2017. Year-to-date, the average days to close a full investigation is 163.

In March of 2017, the CCRB fully investigated 14 percent of the cases it closed and resolved 24 percent of the cases

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it closed. The truncation rate was 75 percent in March 2017. Of the fully investigated cases, 30 percent of the cases were substantiated, 7 percent were unfounded, 14 percent were exonerated, 2 percent were member of service unidentified and 47 percent were unsubstantiated. In March, the discipline rate for non-APU cases was 84 percent and for APU cases was 86 percent.

Also in March, members of the staff met with members of the Police Department to discuss the Department's new Body-Worn Camera Program. The importance of this program is highlighted by the fact that in 2016 the Board substantiated 32 percent of the full investigations where there was video evidence, and 18 percent of full investigations where there was no video evidence.

The staff has identified three areas of critical importance. One, allowing investigators access to videos in a timely and efficient manner. Two,

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2 allowing investigators access to unredacted
3 video, and three, ensuring that the agency
4 knows all the different types of metadata
5 that the NYPD will track. These issues are
6 important to ensure that investigative
7 times do not increase while waiting for
8 critical evidence; that the agency is able
9 to identify as many witnesses to incidents
10 as possible and that the agency is able to
11 quickly and easily identify relevant
12 videos.

13 Staff will continue to meet with
14 members of the department to ensure that
15 the Body-Worn Camera Program enhances the
16 agency's investigations. Finally, I am
17 proud and happy to announce that Jeanine
18 Marie (phonetic) joined the agency as
19 deputy executive director for
20 administration, maybe either this month or
21 at the end of March.

22 She first began to work --
23 working for the city in 1990, and most
24 recently has worked for the New York City
25 Department of Health and Mental Hygiene,

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2 and the New York City Department of Design
3 and Construction. Ms. Marie is gonna be a
4 huge asset to the agency going forward as
5 we modernize all of our administrative
6 functions including IT, Operations, Human
7 Resources and Budgeting.

8 CHAIR WILEY: Thank you for that
9 report. Any questions or comments from the
10 Board on any of the two reports you've just
11 heard?

12 MR. PEGUERO: On the issue of
13 complaints received by precinct, we have
14 gone to Queens and to the Bronx and to the
15 City. The question is: Have we looked at
16 the precincts where we have very low number
17 of complaints to determine why we have very
18 low numbers of complaints? Because we
19 always go to the precincts where we have
20 high number of complaints assuming or
21 trying to figure out why. Have we also
22 tried to figure out why we have very low
23 numbers?

24 MR. DARCHE: So I'm not aware of
25 that but I think that's a very good

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2 question and something that clearly bears
3 some examination.

4 CHAIR WILEY: So I think one of
5 the ways, I, certainly, as Board Chair,
6 directed the staff, outreach has done an
7 amazing job at this, that we start where we
8 had the highest numbers of complaints
9 because it also means we have a lot of
10 police community contact, and so it made
11 sense to start there and it should not be
12 an end point. That's part of what I hear
13 you saying, Mr. Peguero.

14 One of the goals that you'll see
15 that we'll discuss when we talk about goals
16 for fiscal year 18 is also in how we both
17 better understand where we need to be and
18 in order for us to be more effective, and
19 how we can actually raise awareness about
20 who we are and what we do because it also
21 means that in some instances, that we can
22 get more people reaching out to us but I
23 think that's a very helpful question and an
24 important point. Any others?

25 MR. PUMA: I mean, um, yes.

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2 CHAIR WILEY: Yes, Mr. Puma.

3 MR. PUMA: On Mr. Peguero's
4 point, yes, I mean, that's a question that
5 I share, and I know that when we had an
6 outreach committee looking at these issues
7 and questions, this was something that came
8 up. It was sort of a perennial question of
9 well, if we don't have many complaints from
10 an area of the city or a particular
11 precinct, what does that mean? You know,
12 and should we actually be doing outreach
13 there? And maybe it calls for a closer
14 examination of the actual crime statistics
15 in a particular precinct and numbers of the
16 complaints that we get from that precinct
17 to determine how we actually deploy our
18 limited resources in terms of outreach.

19 I had a -- I wanted to understand
20 more about the metadata question related to
21 the body-worn cameras.

22 MR. DARCHE: So one of the key
23 things we're gonna have to do is request
24 video to see so if there is video of an
25 incident when we get a complaint. So if we

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2 know what officers are uploading, we'll be
3 able to better search for videos. For
4 example, if there is an incident that
5 occurs on 177th Street and Union Turnpike
6 in Queens County but maybe the incident
7 started further down Union Turnpike on
8 184th Street then -- maybe you now know
9 where I grew up.

10 (Laughter.)

11 MR. DARCHE: But by knowing how
12 PD is keeping track of information, we'll
13 be able to better request information,
14 which will save everyone time and effort if
15 we're able to better restrict our requests
16 and accurately know what video we need to
17 review.

18 MR. PUMA: Okay. And as far as,
19 I mean, I notice that the department is
20 increasing the retention time to one year
21 from six months so that is an improvement.
22 From the agency perspective, our statute of
23 limits is 18 months so it's not gonna cover
24 that entire period of time during which a
25 complainant could make a complaint but I

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2 think it's an unusual circumstance to get a
3 complaint, you know, maybe 14 months after
4 the incident date but it happens --

5 MR. DARCHE: But over 90 --
6 significantly over 90 percent of our
7 complaints come within a year of the
8 incident of occurrence.

9 CHAIR WILEY: I think it's an
10 important point and one of the discussions
11 that's underway publicly. I've raised the
12 question with the New York City Police
13 Department as well is how they're thinking
14 about protecting privacy because, of
15 course, there's a balancing of both the
16 usefulness of video, we also know that we
17 have to think about privacy interests of
18 people where law enforcement authority is
19 holding a lot of video, some of which won't
20 be implicating the CCRB but I think if your
21 request is that we take it back and
22 consider whether to ask it be coextensive
23 with our statute of limitations period,
24 that's certainly something we should take
25 under advisement.

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2 MR. PUMA: I mean, I know it's --
3 I don't know the price tag up for the
4 department to do long-term storage of
5 video, I imagine it will be significant
6 especially as more cameras are being used
7 but from this agency perspective -- the
8 perspective of this agency, it would be, I
9 mean, logical for a coextensive retention
10 if -- I think that would be something to
11 bring up.

12 CHAIR WILEY: Thank you. Any
13 other questions or comments?

14 (No response.)

15 CHAIR WILEY: Great. Well, those
16 were very helpful. I should also say that
17 just on the point about where we go as a
18 Board and what communities we're in. I
19 wanted to ask if outreach, I don't know if,
20 Raniece, you want to comment on where
21 outreach -- because outreach is not just
22 reaching out to the precincts with the
23 highest numbers of complaints so we
24 certainly shouldn't think that just because
25 we haven't yet gotten there in terms of our

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2 board meetings, that there's no connection.
3 So I don't know if you wanted to respond to
4 that in any way.

5 (No response.)

6 CHAIR WILEY: Okay. So maybe
7 what we should do is make sure that we get,
8 as a Board, get a report periodically that
9 isn't the only -- maybe once every quarter
10 just on where outreach has been, since we
11 are not the only way in which we're
12 outreaching to community but I would also
13 ask since we have a public education
14 subcommittee of the Board, that that
15 committee take that up to think about where
16 and how we plan our board meetings because
17 what's essentially happened, just since
18 I've become Chair, is that I sort of said
19 to the staff, identify the places where we
20 have the highest number of reports, make
21 sure we make it to every borough because we
22 also don't want to ignore a borough so we
23 will go to boroughs and make sure we're
24 there even if they don't have high numbers
25 of complaints, certainly, but I think that

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2 would be a very helpful role for the
3 subcommittee to play is to start suggesting
4 how we think about that and where we go.

5 MS. FERNANDEZ: That's a very
6 good point. In working with the staff, we
7 did do a community event, it was actually
8 all in Spanish in Precinct 33 or 34, which
9 actually has a low rate of complaints but
10 with the goal of actually sharing
11 information about the CCRB and for everyone
12 there, this was a new agency in their eyes.
13 So they were very excited about this but I
14 agree with you, we should be doing that
15 across the board.

16 CHAIR WILEY: Great. Well, now
17 with that, I want to -- we're going to have
18 a report from our director of mediation but
19 before we do, one, I just want to thank the
20 public, members of the public who attended
21 and members of staff who are attending. I
22 also want to recognize that we have a
23 colleague here, Rick Robinson from the
24 Newark CCRB. Mr. Robinson, thank you for
25 coming, it's a pleasure to have you with

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2 us.

3 MR. ROBINSON: It's pleasure to
4 be here.

5 CHAIR WILEY: And with that, we
6 have asked our own amazing Lisa Grace Cohen
7 to come and do a presentation from the
8 mediation unit because it's one, again,
9 when we talk about goals, it's one we've
10 identified to continue to figure out how we
11 can get appropriate cases into mediation
12 since it's one of the successful tools that
13 we have.

14 I do want to acknowledge before
15 you get started, Lisa, that one of the
16 things that is important to recognize about
17 the New York City Civilian Complaint Review
18 Board is not only did community members and
19 residents of the city fight very hard to
20 have civilian oversight, and as a result,
21 we are one of the oldest and largest in the
22 country. We also have some powers that are
23 fairly unique to civilian oversight, one of
24 which is mediation. I think we're one of
25 only eight, as Lisa told me, CCRB's that

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2 actually have a mediation Unit which means
3 that we're also often a resource and
4 hopefully a support to other civilian
5 oversight authorities on what they can do
6 and how they can do it.

7 Lisa actually has been sought
8 after for this, in terms of working with
9 other CCRB's and just did a very well
10 received webinar on mediation for civilian
11 oversight at the National Association for
12 Civilian Oversight of Law Enforcement. So
13 thank you for doing that. That's over and
14 above what we ask you to do at the CCRB and
15 incredibly important that you do so --

16 MALE SPEAKER: But you guys don't
17 have the will or the --

18 CHAIR WILEY: You are out of
19 order.

20 MALE SPEAKER: No, because i'm
21 not gonna waste another minute here. I'm
22 on my way out. The fact that you could
23 brag about forcing out a leaker and you're
24 talking about holding the police
25 accountable. You brag about holding a

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2 leaker accountable, and forcing out a

3 leaker --

4 CHAIR WILEY: Sir, you are out of
5 order.

6 MALE SPEAKER: This was a trash
7 agency when Emery was here and now it's a
8 trash agency with you here.

9 CHAIR WILEY: Thank you.

10 MALE SPEAKER: You should step
11 down because there is no difference between
12 you and City Hall.

13 CHAIR WILEY: You will not
14 continue to interrupt our meeting --

15 MALE SPEAKER: -- Newark, this
16 should be an example of what not to do for
17 civilian oversight.

18 CHAIR WILEY: You are welcome to
19 stay and make comments.

20 MALE SPEAKER: -- hearing you
21 brag about forcing out a leaker?

22 CHAR WILEY: I am going to brag
23 and will continue to brag about the public
24 trust and as a government agency --

25 MALE SPEAKER: It is in your best

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2 interest that if the mayor has a direct
3 line to the CCRB to not make the police
4 look bad.

5 CHAIR WILEY: Sir, you are --
6 thank you for coming and you are always
7 welcome --

8 MALE SPEAKER: Because then you
9 make (inaudible) but you guys aren't
10 holding the police accountable. You should
11 step down.

12 CHAIR WILEY: You are always
13 welcome. Thank you for your thoughts and
14 good bye.

15 MALE SPEAKER: I am welcome?

16 CHAIR WILEY: Yes, you are to
17 sign up like all these people who are
18 waiting to --

19 MALE SPEAKER: To hear you brag
20 about forcing out a leaker providing
21 information that the public marched and
22 protested about for two and a half years
23 and you are sitting here saying you forced
24 out a leaker but you can't hold one police
25 officer accountable.

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2 CHAIR WILEY: If you would like
3 to speak, you're welcome to show up.
4 You're welcome to show up --

5 MALE SPEAKER: I've been coming
6 here for years and this was a trash agency
7 under Emery who was Bratton's boy and
8 you're de Blasio's person here. There's
9 nothing that's changed in this agency and
10 nothing ever will.

11 (Whereupon, male speaker exited
12 the room.)

13 CHAIR WILEY: Thank you. Lisa,
14 we welcome the opportunity to hear from the
15 mediation unit and we welcome the
16 opportunity for anyone who would like to
17 speak, to sign up and speak in order, and
18 we will listen to all who are interested in
19 giving us testimony. Thank you, Lisa.

20 MS. COHEN: Possibly an example
21 where mediation might have facilitated that
22 conversation. Thank you, Madam Chair. Can
23 everyone hear okay? Thank you Board
24 members, good evening. Good evening to my
25 fellow staff members and good evening to

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2 our honored guests.

3 For those of you who don't know,
4 the Civilian Complaint Review Board has a
5 mediation program, probably all of you know
6 by now. It is the oldest and largest of
7 the program of its kind in the country.

8 The program was created because there are a
9 significant number of complainants who want
10 to have their say, who want their voices to
11 be heard directly by the officer.

12 The CCRB Mediation Program
13 provides civilians with the chance to sit
14 down with the officer and find out why what
15 happened, happened. Unlike investigation,
16 mediation provides officers with the
17 opportunity to explain why they did what
18 they did, and give civilians a chance to
19 say how that made them feel. Mediation is
20 powerful tool in building police community
21 relationships.

22 In 1993, when the Charter
23 revision creating the CCRB in its current
24 incarnation was enacted, the drafters had
25 the foresight to understand that

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2 investigation was not the only way to
3 settle disputes. They added a provision
4 requiring the agency to have an alternative
5 dispute mechanism, and in 1997, the year
6 the mediation program came through
7 fruition, the CCRB mediated four cases.

8 In the 20 years since then and,
9 yes, the CCRB Mediation Program is
10 celebrating it's 20th anniversary this
11 year, the CCRB has conducted 2,083
12 successful mediations with 2,482 civilians
13 and 2,542 officers.

14 Last year, the agency conducted
15 240 mediation sessions, an all time high.
16 Before I discuss the whys and wherefores of
17 the CCRB's Mediation Program, I'm going to
18 start with the hows. If a complaint is
19 suitable for mediation, which means that
20 there are no allegations of personal injury
21 or personal property damage, the civilian
22 is not filing a lawsuit, there was no
23 arrest arising from the incident, no
24 concurrent IAB investigation and the
25 civilian is capable of discussing the

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2 complaint coherently, an investigator will
3 present the mediation option to the
4 civilian.

5 It's important to stress here
6 that civilians are told explicitly that
7 mediation is voluntary for both the
8 civilian and the officer. It is
9 nondisciplinary for the officer and it is
10 confidential. No recordings, no notes.

11 In addition, civilians are told
12 that if at any time during the mediation
13 process, and that is at any time, they
14 would prefer to have their complaint
15 investigated, the case will promptly be
16 returned to the investigative unit. In a
17 sense, this gives the civilian two bites of
18 the apple. This is proven to be a strong
19 incentive for civilians to accept
20 mediation. So if all the parties agree to
21 participate in mediation, and approximately
22 45 percent of civilians who are offered
23 mediation accept and the investigator has
24 identified the subject officer, the
25 complaint is referred to the mediation

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2 unit. After a mediation coordinator has
3 reviewed the complaint, the subject officer
4 is vetted by the Department Advocates
5 Office of the NYPD.

6 Last year, the DAO rejected two
7 officers because both of them had retired.
8 Once the officer has been approved by the
9 DAO, the officer is asked whether he or she
10 is willing to participate. I would like to
11 point out that our officer acceptance rate
12 is at a historical high of over 88 percent.
13 Up significantly from 66 percent, which is
14 what it was when I started at the agency.
15 This increase indicates to us that more and
16 more officers want to take the opportunity
17 to have a facilitated conversation with the
18 civilian who has filed a complaint against
19 them.

20 If the officer agrees to mediate,
21 we begin scheduling the mediation session.
22 We can schedule mediations as early as
23 8:00 a.m. or as late as 6:00 p.m. in
24 accordance with the needs of the
25 complainant. A trained and neutral

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2 mediator is chosen from our roster of
3 mediators, none of whom work for the city.

4 At the end of the mediation, the
5 session either is successful or
6 unsuccessful. A successful mediation is
7 one in which both sides agree that their
8 concerns have been addressed. After a
9 successful mediation the case is closed as
10 mediated and no further action is taken.
11 An unsuccessful mediation happens when one
12 of the parties is not satisfied with the
13 mediation. In that case, the complaint is
14 returned to the investigative unit for
15 further investigation.

16 Last year, approximately
17 88 percent of mediations were successful.
18 While this is a good number, it is about
19 two percentage points down from the
20 agency's five-year average. And while
21 there are a number of factors that can
22 effect the mediation success rate, some of
23 which outside of the agency's control, the
24 mediation unit has taken steps to provide
25 more information to both civilians and

1 Proceedings

2 officers about what they can expect to
3 happen in a mediation session. We believe
4 that aligning expectations with reality
5 will help participants have a more
6 insightful and, therefore, more successful
7 mediation experience, and this practice
8 seems to be working. Our mediation success
9 rate for the first quarter of 2017 is
10 approximately 92 percent.

11 A case can also be closed as
12 mediation attempted, which sometimes get's
13 confused with an unsuccessful mediation but
14 a mediation attempted means that the
15 officer has agreed to participate though
16 through no fault of that officer, the
17 mediation session does not occur.

18 Generally because the complainant becomes
19 unavailable or is no longer interested in
20 mediating.

21 While the allegations relating to
22 mediated and mediation attempted cases no
23 longer appear on the officer's CCRB
24 complaint history, it's important to
25 remember that one, once the complaint is

1 Proceedings

2 entered in the computer tracking system,
3 whether investigated or mediated, all the
4 information including the allegations is
5 collected and retained in our database.

6 And two, the agency's most
7 serious complaints are weeded out of the
8 mediation program by the program's
9 suitability requirements and you may
10 remember those five requirements that I
11 listed.

12 Alright. Now back to the whys
13 and wherefores. As studies have shown the
14 mediation process fosters understanding and
15 can be empowering to the civilian
16 participants. For the civilian filing a
17 complaint, the ability to sit in a safe,
18 comfortable environment, and have a
19 conversation with the police officer on a
20 level playing field, very often returns to
21 that civilian the respect and dignity that
22 may have been lost at the time of the
23 incident.

24 Mediation allows both sides to
25 see each other as individuals, which

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1
2 contributes to better relationships with
3 police and civilians. It is truly amazing.
4 Not only is mediation empowering for the
5 civilians, a study conducted at the CCRB
6 showed that officers who participate in
7 mediations are less likely to be
8 recidivists, less likely to get additional
9 CCRB complaints than officers who decline
10 to participate. In short, mediation
11 changes officer's behavior.

12 The CCRB Mediation Program is a
13 nationally recognized leader in the field.
14 We have been contacted for information
15 about our policies, practices and
16 procedures by numerous oversight agencies
17 both nationally from places such as
18 Puerto Rico, Rochester, New York, Newark,
19 New Jersey, New Orleans and Austin, Texas
20 and internationally from places such as
21 Alberta, Canada and Salzburg, Austria.
22 That was a very interesting meeting, an
23 especially meaningful consultation was with
24 members of an emerging leaders program from
25 Northern Ireland and The Republic of

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Ireland seeking peace-building techniques and the brand new police oversight agency in Chicago where our former chief of investigations has landed, has recently reached out to see how New York does it.

In addition, we often speak at national conferences such as those held by the National Association of Civilian Oversight of Law Enforcement, that's a mouthful, otherwise known as NACOLE, and as the Chair pointed out, I had participated in their first webinar of the year, and my first webinar ever, which was really fun to do.

According to another study conducted at the CCRB, in comparing complainant's experience of mediation versus investigation, complainants who participated in mediation overwhelmingly felt that the real issues -- that their real issues were discussed and that was 81 percent versus 32 percent.

The study concluded, quote, those complainants who participated in mediation

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2 were more likely to be satisfied than those
3 who's complaints where fully investigated,
4 unquote. The results of our own
5 satisfaction surveys given out at the end
6 of every mediation shows that approximately
7 90 percent of officers and 90 percent of
8 civilians were satisfied with the mediation
9 session.

10 Lest you think the program is
11 resting on its laurels, heaven forbid, we
12 are also endeavoring to grow the program.
13 For example, the agency is currently
14 looking into starting a pilot program where
15 in cases in which all of the allegations
16 were determined to be unsubstantiated can
17 be referred to mediation. We know that an
18 unsubstantiated determination can be
19 frustrating for the complainant so by
20 offering mediation, that complainant can
21 have the opportunity to discuss the matter
22 with the officer, Which hopefully provides
23 the complainant with a more satisfying
24 result.

25 Lastly, I would be remiss if I

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1
2 did not point out that the mediation
3 program could not be as successful as it is
4 without the dedication of the mediation
5 unit staff. Supervisor Rosemary Espinal,
6 and coordinators Wendy Rodriguez-Figueroa,
7 Rebecca Best and George Alexander as well
8 as the support of the Board, especially the
9 ADR committee, Lindsay Eason, Deborah
10 Archer and Joseph Puma and the, Chair, Maya
11 Wiley, and a thank you to the senior and
12 executive staff and all of the
13 investigators for their commitment to an
14 effective way to build understanding
15 between police officers and the communities
16 they serve. Thank you.

17 CHAIR WILEY: I would like to
18 open it up for questions or comments.

19 MS. COHEN: Additional statistics
20 can be found in the monthly statistically
21 report located in your meeting packets and
22 on our website.

23 MR. EASON: I would like to
24 acknowledge and commend Ms. Grace Cohen on
25 the exceptional work that you and your

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2 staff are doing and for being receptive to
3 all of the suggestions from myself,
4 Mr. Puma and Ms. Archer so thank you very
5 much for what you do.

6 MS. COHEN: You're very welcome.
7 Labor of love.

8 MR. DWYER: I just wanted to
9 thank you for, um, I mean, that man was
10 very angry and he was very near you and you
11 started so quick, I was gonna jump in and
12 ask you if you wanted some water or to take
13 a minute but you started so I want to thank
14 you for doing what would have been very
15 difficult for most of us in this room.

16 MS. COHEN: You're very welcome.
17 I work in conflict resolution.

18 (Laughter.)

19 MR. EASON: Well put.

20 CHAIR WILEY: Then I'll apologize
21 for making it more difficult and I'll say a
22 few things about that later but I want for
23 you to hear comments and questions.

24 MR. SIEGAL: I have a question
25 that just occurred to me, and you may have

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2 addressed it and I missed it but in
3 mediated cases, on average, if there is
4 one, how many sessions are there? How long
5 are the sessions? How does the process
6 play out?

7 MS. COHEN: It's one session. I
8 think in all the time I've been here there
9 have not been more than one session per
10 case, and they range from one hour to four
11 hours, the average being about an hour and
12 a half.

13 MR. SIEGAL: And are there
14 typically consultations between the
15 mediator and parties separately in the
16 process or joint sessions?

17 MS. COHEN: It's part of the
18 process, occasionally. We use a
19 facilitative model which likes to keep the
20 parties in the room together. Sometimes
21 you'll elicit something from one of the
22 parties in a separate session, in a caucus,
23 that would be really valuable for the other
24 parties to hear so we start off together
25 and if necessary, they'll go caucus.

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MR. SIEGAL: Thank you.

MS. COHEN: Oh, you're welcome.

MR. PEGUERO: First, I want to echo what the Chair and my colleagues have said about you and your unit, wonderful work. I just have one question: To what do you attribute to the 22 percent increase in police participation?

MS. COHEN: Oh, when I started and I could not understand why officers didn't participate until I started talking to officers. There was a general lack of information about the program. There was no real understanding of confidentiality, which is huge. It enables the party to talk freely and anything the officer says won't be used in a subsequent hearing, and they just didn't know, and we went out and I went and my supervisor Rosemary went to meet with ICOs and ICO trainings. I spoke at graduations because officers were saying that they never heard of the word mediation and I knew not much was going to get absorbed but I didn't want the first time

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2 they hear the word mediation when they're
3 offered one so we went out and made our
4 information available. We wrote a
5 frequently asked question brochure that was
6 easily accessible and it's a good thing.
7 So it spread and that's awesome.

8 MR. CARCATERRA: Lisa, I just
9 have two quick questions.

10 MS. COHEN: Sure.

11 MR. CARCATERRA: Are the meetings
12 held always here or are they ever held in
13 the field for mediation?

14 MS. COHEN: All mediations are
15 held here. We're looking into having
16 mediations in neighborhoods. I think
17 there's an open question on whether police
18 can do that.

19 MR. CARCATERRA: Within a command
20 or within a precinct, I might think that
21 that would be good for the complainant not
22 to have to, you know, go to the precinct
23 and for the officer and for the time
24 factors involved and then maybe some kind
25 of community center. And my second

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2 question would be is the officer, if he's
3 assigned in uniform, does he come in
4 uniform or plain clothes?

5 MS. COHEN: The officer comes in
6 uniform if that's what they're wearing that
7 day.

8 MR. CARCATERRA: I don't know.
9 I'm not into the mediation to the degree
10 you are but you might want to consider a
11 plain clothes model also so that it is more
12 on a one to one basis.

13 MS. COHEN: We thought of that
14 and the consideration was that if this is a
15 uniform officer, the incident happened
16 while the officer was wearing the uniform
17 and in that very same uniform they can
18 listen to how that incident affected the
19 complainant. I have never had a
20 complainant complain about an officer in
21 uniform or fear that the officer was
22 carrying a weapon. So we thought about it.

23 MR. CARCATERRA: I just -- maybe
24 to personalize it more. That's all I was
25 saying.

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2 MS. COHEN: I get it. It also
3 would have been difficult to get them to
4 change clothes and then change back.

5 (Laughter.)

6 MR. CARCATERRA: Yeah. I get it.

7 CHAIR WILEY: Well, the good news
8 is, because of the success rates,
9 hopefully, that's not too much of an issue
10 but I think that's a really important
11 question --

12 MS. COHEN: Absolutely.

13 CHAIR WILEY: -- and something we
14 should think about. Can I ask -- I want to
15 ask a slightly different question which is,
16 you said -- one of the -- it's not the only
17 important thing you said but I think it's
18 one of the most important things you said
19 is it's not just that they're successful,
20 it's what the impact of that success is,
21 which is fewer complaints on the officers
22 who go through the program meaning it's
23 useful and valuable learning for the
24 officers and more satisfaction from the
25 complainants.

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2 The question I have is, we
3 have -- I don't have the exact number in
4 front of me but I know one of our issues is
5 that while we may have a much higher percentage
6 of officers who are agreeing to participate
7 in terms of the number of cases that are
8 eligible for mediation, it's often
9 complainants not choosing to take mediation
10 and remember that if you take mediation, it
11 doesn't mean that you can't go back into
12 the investigative process. You're not
13 giving it up but what do you think we could
14 do to be more effective on the side of
15 helping complainants understand the
16 potential benefits so that we may get more
17 of those eligible cases into mediation?

18 MS. COHEN: It is a mediation
19 community problem. That while most people
20 like the idea of mediation, it's hard for
21 them to think of themselves participating.
22 One thing we do, and maybe we should do
23 even more often, is offer the mediation
24 option at various points in the
25 investigation process. We learned quickly

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that intake was not the place to offer when the complainant is red hot. I think that having somebody speak, and maybe independently speak to the complainant, may help them understand better about what the process is and that they can have essentially two bites of the apple.

I remember when I first heard that investigators were telling complainants, oh, if you're not happy with the process, you can send it back for investigation, which is, no. But, I mean, yes, we do that but I didn't -- don't tell them that and, of course, you have to. And then I realized, it changed the minds of about 45 percent of complainants. It's a huge turning point and then only about 10 percent actually did. So they like that. We can be clear about that.

We do additional trainings of investigators to present the option, and I think having an independent person being able to talk to the complainants just about that possibility could help appreciatively.

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2 them more likely to accept mediation.

3 MR. EASON: Thank you.

4 MS. COHEN: You're welcome.

5 CHAIR WILEY: Any others?

6 (No response.)

7 CHAIR WILEY: Thank you so much,
8 Lisa, for your presentation but more
9 importantly for your work and the work of
10 your unit.

11 MS. COHEN: Thank you.

12 CHAIR WILEY: I'm gonna ask for
13 the indulgence of the Board that we move
14 the discussion of agency goals to new
15 business because I'm very conscious of the
16 fact that we have a number of people who
17 would like to address the Board and have
18 been waiting, and I recognize that we don't
19 want to keep you waiting and we want to
20 hear from you so if that's okay with the
21 Board, I will open the public comment
22 section of the Board.

23 Before I do, just to address --
24 the point I want to make is we hope to hear
25 from people not because we're looking for

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2 agreement. We really want to learn, and we
3 want to learn from folks. I'm also quite
4 clear that we want to make sure we do it in
5 an orderly process so that it is fair to
6 everybody who is waiting.

7 We have a number of people here
8 today, which is wonderful, and we want to
9 have the public in our meetings. I'm going
10 to ask for two minute time limit just in
11 order to make sure we get to everyone who
12 wants to speak. If we have some additional
13 time, we'll make it available but given how
14 we're doing, we may not.

15 I also want to address one point
16 that the gentleman who left made, and I
17 wish he had stayed to present more formally
18 in the public session because I think it's
19 important to hear, but I just want the
20 public to understand that as an agency that
21 is responsible for ensuring that other
22 members of government adhere to the laws of
23 government, we ourselves must adhere to the
24 laws as they are -- as we are told we must.
25 That is actually an obligation all

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2 government agencies have and we don't get
3 to pick and choose when we enforce the law
4 and when we don't. Not for members of
5 service, and not for our staff. So I will
6 continue to make sure that that's the way
7 we are acquitting ourselves as an agency
8 because we cannot hold the public trust for
9 all members of the public if we are
10 unilaterally deciding what laws we pay
11 attention to and what laws we don't. With
12 that, I will open it up by the first person
13 I have on the list is Mr. Robinson. You
14 were just first but we're very happy you're
15 with us.

16 MR. ROBINSON: Good evening,
17 Board, Madam Chair. I'm Rick Robinson, I'm
18 the Chair of the CCRB in Newark,
19 New Jersey. We're starting up, and I know
20 Jonathan and I met Lisa Grace Cohen over
21 there, excellent presentation. I've been
22 before you before prior to you, Madam
23 Chair, but in the same, good work. Thank
24 you.

25 This was a situation that needed

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2 to be addressed, if you don't mind me
3 saying it. This gentleman is pretty much
4 part of the community so his situation
5 needs to be looked at if there's any kind
6 of way anything can be done to rectify the
7 problem, I would be more interested in
8 following that because in Newark, New
9 Jersey, we're gonna be looking at the same
10 thing.

11 Your model, your entity, your
12 Board and your staff we pretty much applaud
13 your efforts, we do. We know how difficult
14 this job is. I'm not gonna get into about
15 the Newark CCRB but I've been following
16 your CCRB for a number of years. I would
17 say, not a number but a couple of years and
18 I had the pleasure, as I indicated earlier,
19 to meet Jon and meet Lisa. You have
20 something that's very, very significant.
21 You cannot take on and complete all the
22 problems, obviously, but you are -- they
23 are trying and I notice.

24 The thing is, we will be in
25 contact with your Board and with your

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2 staff, and we just want to say thank you
3 for the consideration for inclusion
4 regarding partnering with us and we'll be
5 back, I think, in a couple of weeks to come
6 and make an official visit so thank you.

7 CHAIR WILEY: Wonderful. And we
8 look forward to hosting you but we also
9 look forward to learning from you as well
10 as you do things differently and we may
11 have some things we can learn from you so
12 we look forward to that.

13 MR. ROBINSON: There are certain
14 rules, regulations, laws and statutes, if
15 you will, regarding the different states.
16 But I cannot stress this enough, we have
17 done some investigations regarding the
18 nation, and there is a 168 oversight
19 Civilian Review Boards in the United States
20 and this is one of the top tiers so you
21 should actually -- New York City,
22 Mayor de Blasio and the Board and the staff
23 here should feel privileged.

24 CHAIR WILEY: We do. Thank you
25 very much. And now we have, and I

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2 apologize if I mispronounce any names,
3 Josmar Trujillo?

4 (No response.)

5 CHAIR WILEY: No? Okay. MJ
6 Williams.

7 MS. WILLIAMS: And if I address
8 any of the board members, I apologize if I
9 mispronounce your name but please correct
10 me. So I just would like to start with
11 Mr. Dyer, am I pronouncing it --

12 MR. DWYER: Close enough.

13 MS. WILLIAMS: Can you tell me
14 what it is?

15 MR. DWYER: Dwyer.

16 MS. WILLIAMS: I just -- I
17 appreciate your comment to your colleague
18 Ms. Cohen but I also want to point out that
19 I think what this gentleman displayed, at
20 least from my point of view, was the
21 public, was the civilians, was the
22 civilians that this Board and this serves
23 and so, again, I recognize that your
24 commendation of your colleague Ms. Cohen
25 but I think that recognizing the reality

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2 and the truth, and the -- of that
3 gentleman's comment, yes, out of order but
4 sometimes things need to be out of order,
5 needs also to be recognized.

6 The other thing that I'd also
7 like to address, I have three points and
8 that was the first. The second is to the
9 gentleman sitting to your right,
10 Mr. Carca --

11 MR. CARCATERRA: Carcaterra.

12 MS WILLIAMS: Carcaterra. As
13 someone -- I'm an attorney myself, I
14 represent individuals who have come before
15 the CRRB. I also, unfortunately, have been
16 in a position where I've needed to come
17 before the CCRB. I've been through the
18 process just recently, and with the
19 mediation, I would say and hope that you
20 take this under strong consideration,
21 having a mediation in a precinct is
22 probably --

23 MR. CARCATERRA: I didn't say a
24 precinct. I said within the precinct
25 boundaries --

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2 MS. WILLIAMS: Oh, within
3 precinct boundaries.

4 MR. CARCATERRA: -- of a choice
5 of the civilian, within a precinct, not at
6 a precinct.

7 MS. WILLIAMS: Okay. You would
8 understand that that would be --

9 MR. CARCATERRA: No. No.
10 Absolutely. That's not what I said.

11 MS. WILLIAMS: Now, to what I did
12 plan to address, and, Ms. Wiley, you did
13 emphasize again in response to that
14 gentleman's comments in the beginning in
15 the talk about the constraints that the
16 Board has of the new interpretation of
17 Section 50-a under the civil rights law not
18 to make substantiated complaints public, as
19 they should be, and as I understood they
20 had been in the past. So I want to know
21 what the Board is doing, specifically,
22 actually, to ensure that that law is
23 revised, is amended, as it should, so that
24 the Board can actually fulfill its mission.
25 Is the Board involved with drafting the

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2 amendment? Is the Board -- have you
3 identified a sponsor of legislation of --
4 that would amend Section 50-a?

5 CHAIR WILEY: Very important
6 questions. The short answer is we both --
7 I personally, have met with legislators in
8 Albany about the importance of changing
9 50-a and we have been -- so there are some
10 bills that have already been introduced.
11 There's more than one actually so we have
12 been starting with a set of principles.

13 We've also asked the staff to do
14 a review of what the staff thinks we should
15 make sure is in any legislation because
16 obviously, different legislators, we're
17 going to have different bills so that we're
18 ensuring that any of the bills have the
19 kinds of language we think would be useful.
20 I think we have more to do so I'm not
21 suggesting that we're done by any stretch
22 of the imagination, and when we get to the
23 discussion on goals for the year, 50-a is
24 one of them.

25 MS. WILLIAMS: Who -- are you

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2 working with other organizations?

3 CHAIR WILEY: I think that's an
4 opportunity for us so if the Board approves
5 the goals then -- 50-a we actually already
6 publicly as an agency said our position is
7 to support reform. We will be working
8 with our staff on the strategy so if you
9 have suggestions, we would welcome them.

10 MS. WILLIAMS: Okay. Thank you.

11 CHAIR WILEY: And now we have
12 Mr. O'Grady.

13 MR. O'GRADY: I took copy for the
14 Board. You probably have seen this before
15 but I don't know if you've seen it in this
16 order. Pass it down.

17 (Board complies.)

18 CHAIR WILEY: Thank you,
19 Mr. O'Grady.

20 MR. O'GRADY: Does anyone know
21 who succeeded Robert Lonergan,
22 investigative reporter -- investigative
23 manager for this organization? There are
24 two typos from Page 74. Page 74, Line 17
25 should read reverse the charges. O-F

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2 should not be there. It just should read
3 bankruptcy director -- some Chinese
4 bankruptcy director to reverse the charges.
5 Line 22, HPD indicated they wanted info on
6 the Riverton Square Heist. S-I-X is -- I
7 don't know where that came from and
8 Riverton is spelled R-I-V-E-R-T-O-N.

9 Mr. Lonergan told -- directed the
10 client, Robert Lonergan and he resigned
11 this body organization shortly before
12 relocation to 100 Church Street, 10th
13 Floor. See his business card copy.
14 Directed client back to Rita Dumain
15 (phonetic). Rita D. Dumain. She's the
16 bankruptcy division. Rita Dumain indicated
17 that she reviewed their attorney -- she
18 reviewed what their attorney provided to
19 clients. Rita Dumain indicated she could
20 not go beyond what the attorney provided to
21 client. Their corporation counsel repeated
22 false affidavit four to five times.
23 Criminal offense four to five times.
24 Recommend District Attorney, Norman Siegal
25 spoke to this Board. Police provide bread

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2 and butter for district attorney.

3 English language, L-I-E-S word.

4 L-Y-I-N-G word. Considered cursing.

5 Provocative language. B-I-T-C-H word,

6 female dog or K9. Provocative language.

7 Is it wise to put fox in charge of

8 chickens? Would Chinese bankruptcy

9 director donate \$200,000 so freely to male

10 negro if \$200,000 come from Chinese

11 bankruptcy director personal resources or

12 finances? Chinese bankruptcy director did

13 not check with the 30 residential units at

14 this location. Indicated by corporation

15 counsel each and every tenant must vote,

16 notify. WINS radio last month reported

17 police NYPD detective, 17 years on job,

18 work in New York City, live in Rockville

19 Center, Long Island. Trespass on multiple

20 citizen private residential unit, porch

21 area at night. Shine battery operated

22 flashlight at his male genital. New NYPD

23 detective, 17 years on job.

24 CHAIR WILEY: I'm sorry, Mr.

25 O'Grady, we're at time but thank you again

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2 for your testimony.

3 Mr. LaSalle, Jose LaSalle.

4 MR. LASALLE: I'm Jose LaSalle,
5 I'm the founding leader of a group called
6 Cop Watch Patrol Unit which has been
7 monitoring police since 2011 and we have
8 definitely been a force to be reckoned
9 with, especially when NYPD sees us.

10 Now, I recommend the Board for
11 all the great job y'all did in tapping each
12 other in the back but I'm gonna take y'all
13 to the reality of what's happening in the
14 hood, and this is the reality because
15 basically, nobody here that I see, probably
16 even came into the community where it's
17 most effected by the police, aggressive
18 policing under the Broken Windows Policing
19 Policy.

20 So what you heard from the young
21 man who got up and started speaking is
22 exactly how the community feel. Every
23 single black, brown, LGBTQ and person of
24 color in the community, that's exactly how
25 they feel. So for y'all to be here talking

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2 about the great job y'all doing, especially
3 with mediation, I've been to mediation.

4 I've tried everything. So no one could
5 tell me this is how it goes, this is how it
6 don't go.

7 Police officers now -- to talk
8 about mediation, police officers now are
9 telling each other, aight, that mediation
10 is a good thing because the simple fact is
11 once the mediation is done, all they got to
12 do is play the role. Be that good, good
13 cop at the moment and play the role and
14 after that mediation everything is sealed.
15 Everything is hidden away and no one knows
16 nothing, and that's why mediation is gonna
17 rise. Before you know it, police officers
18 are gonna be jumping on it. And that's one
19 reason. It's not because, you know what
20 I'm saying, it's doing anything to change
21 it.

22 I've been to mediation with a
23 couple of officers, and let me tell you,
24 they still being the same arrogant, the
25 same fools that they was when they first

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2 approached me so there's nothing changing
3 in the community. Y'all not gonna see
4 that. Y'all not gonna be able to see that
5 even when we come present that to y'all
6 because y'all focused in keeping these
7 numbers that y'all keeping together so
8 y'all could be able to be here and tap each
9 other in the back while people in the
10 community of color are suffering every
11 single day. Police brutality has not
12 changed so that's mediation. Mediation is
13 a sham.

14 Another thing that I want to talk
15 about is dealing with police officers. I
16 always said that when they hear CCRB, they
17 laugh. You know what I mean, because CCRB
18 has done nothing, nothing to deter them or
19 make them feel like they need to worry
20 about not -- about being in the community
21 aggressively. They have nothing to worry
22 about because CCRB, and I always say it,
23 for us, it's toothless.

24 Now, we as a group of people that
25 organize in the community, let me tell you

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1 something, we feel like we have done more
2 than the CRRB has done since it's been put
3 together. Right now, just tomorrow, I'm
4 gonna release over one hour audio of
5 what -- so people could see what the PSA 7
6 Precinct, aight, when they falsely arrested
7 me and tried to charge me with a felony.
8 So y'all could see, I'm ready to release
9 audio of them clapping and celebrating.
10 I'm gonna release some more audio so y'all
11 could hear yourself what happened in these
12 precincts, and it's one hour of recording
13 and I'm not even gonna say, there is so
14 much more that people are going to be
15 shocked when they hear it, and the reason
16 I'm bringing all this up is because I want
17 you to understand that what's important is
18 the voices of the people in community.
19 Y'all failing the people in the community.
20 That's why there's nobody here in the
21 community. Other than that, this place
22 would be filled with the community if they
23 felt like y'all was doing your job. I want
24 y'all to put that in your mind, aight, and
25

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2 then organizations like mines and others
3 that you're gonna hear from, we can give
4 you the inside look at what's happening in
5 these communities and many of y'all know
6 about my YouTube, and I put a lot of my
7 stuff out there which a lot of people -- I
8 mean, I got thousands of videos that a lot
9 of people see, which shows how police
10 officers fail to follow the NYPD Patrol
11 Guidelines, which that's what y'all deal
12 with, fail to follow proper procedures and
13 protocol when dealing with emotionally
14 disturbed people, when dealing with
15 community in general so I just want y'all
16 to be open to that and realize in closing
17 that what you heard here, this is exactly
18 the cries, and the screaming of the
19 community so if y'all ignore that or y'all
20 want to belittle that then y'all definitely
21 should not even be on this Board. There
22 should not even be a CCRB and I'm gonna be
23 honest, in the CCRB, if there's no changes
24 coming then this is what we do. We agitate
25 and we interrupt and the CCRB is never

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2 room will agree that the oversight in
3 accountability are essential. One area of
4 our legal system where there is no
5 oversight in accountability is the
6 Judiciary Branch. The judges have
7 self-conferred immunity upon themselves.

8 So we see that there are
9 psychopaths among professors, among
10 priests, among policemen, there are also
11 psychopaths among judges. As they stay on
12 the bench for periods of time, they destroy
13 lives and families. They cause people to
14 despair and commit suicide, and no one can
15 sue them.

16 Recently, there was a judge that
17 had sexual relations with a litigant in his
18 chambers and in other places. The case
19 went up to the Supreme Court of the United
20 States. The Supreme Court of the United
21 States said the judge cannot be sued for
22 violating the rights of the other person.
23 So what kind of democracy do we have?

24 The founding fathers said there
25 should be checks and balances over the

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15, 20 cars deep, the valet lets the cars stop in the middle of the street and 15, 20 cars are honking. The side streets get completely blocked and they are honking. When they come and when they leave.

I must have made 2, 300 complaints every year for the last ten years, gone to Community Board 12 meetings, spoke to commanding officers, had captains come to my house saying don't call 311, we'll try to do something, they give me their cell numbers and to no avail.

I have a hydrant in front of my house, they put a barrier in front of it. On a regular basis, when they have a catered affair, they move the barriers. They'll move it onto the sidewalk, they'll bring it up the corner and cars are parked at the hydrant two deep, six, seven, eight hours a night. I tell them, if you can't come between 8 o'clock at night or 11:30 at night, don't bother coming. I'll call up, car parked at 11 o'clock in the morning in front of a fire hydrant in front

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2 of my house. Call the commanding officer,
3 I'm gonna send somebody right over. I come
4 home at 6 o'clock at night, that same car
5 is still there. Call them again and he
6 said, we're transferring over to the p.m.
7 shift.

8 It's just crazy on my block with
9 the honking that goes on five or six nights
10 a week. There's no standing anytime, it
11 goes unattended and yet when I'm talking to
12 community board people, they'll say, what
13 do you want us to do? I say, well, if you
14 don't have the help, which they always tell
15 me we don't have enough manpower, so get
16 somebody to do something about it.

17 I've asked for the Department of
18 Transportation, asked the precinct. Have
19 somebody do something, get a boot, get a
20 tow maybe the people will see this once and
21 for all and for the last nine or ten years,
22 nothing. Never see a boot on the block
23 never see a tow and it constantly goes on.
24 Cars go down, back up the wrong way, cars
25 will make illegal right turns, illegally

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2 their voice. I'm paraphrasing but I
3 believe you said, and this was the last bit
4 of the session and it was kind of shortened
5 but just paraphrasing you, you quoted the
6 City Charter and you said that the City
7 Charter doesn't explicitly state that there
8 could be a subcommittee with community
9 members so take it up with the City Council
10 to -- I'm paraphrasing. It is something
11 but ultimately you said the City Charter.
12 I spoke to Sam Walker about this, I don't
13 know if you know him, he's a national
14 police expert, he's read a lot of books,
15 he's on the Presidential Task Force on
16 Policing so he's well-known. He said, yes,
17 although, there might not be explicit
18 language in the City Charter, there's
19 nothing legally preventing the CCRB from
20 setting up a subcommittee, a task force,
21 advisory board, what have you, and paneled
22 by the community to get their input. You
23 mentioned a public education subcommittee.
24 Would you consider including non-voting
25 members from the community like cop watch

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2 or whoever else would like to be involved
3 to participate in that subcommittee? So
4 therefore, they're educated. Public
5 education and then you're educated.
6 Two-way street. What does the Board think
7 about that?

8 MR. EASON: If it's permissible
9 and within our jurisdiction the way we
10 operate and it's brought before the Board.
11 I think it's a good proposal.

12 CHAIR WILEY: I just want to make
13 one clarification. I never -- whatever I
14 said and I don't remember verbatim, I
15 didn't mean to say that the Charter
16 precluded us. I think it was in relation
17 to a whole bunch of things we were talking
18 about just directing your attention to the
19 Charter in terms of our structure and how
20 we operate. I think the short answer to
21 your question -- but I think other Board
22 members could weigh in if anyone has any
23 comment?

24 (No response.)

25 CHAIR WILEY: Is that I would

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actually ask that we receive recommendations. Our staff, our outreach unit team is here which actually is our front-facing interface with community and we get a range of recommendations that can again be brought to the Board subcommittee for consideration so you can come back with recommendations having investigated. Does that make sense to the Board?

MS. FERNANDEZ: I would actually welcome us looking into that, and seeing how it could be done, if it can be done and done in a way that's successful and that we can get meaningful input from the community in a way that can provide a direct line to the public affairs subcommittee.

MR. KUDELKA: Right. Right. I can imagine maybe having technical assistance, right, so maybe someone from the NYCLU to facilitate the education of the public and the conversation so it's informative and beneficial.

CHAIR WILEY: I'm just mindful of time because we do have a few other people

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2 on the list but what I would suggest is if
3 you have additional suggestions that you --
4 actually, if I could ask Raniece who's our
5 Director of Outreach because then we can
6 feed them into subcommittee process and
7 that would be very helpful.

8 MR. KUDELKA: Okay. I'll just
9 pivot on one different topic then. I was
10 looking at the CCRB annual 2015 report,
11 looking at choke hold substantiations.
12 There was two in 2010, one in 2011, 12, 13,
13 seven in 2014 and 19 substantiated choke
14 holds in 2015 so just looking at those,
15 there's 14 cases still open, at least as of
16 the report date, so I don't know now but
17 there were final dispositions of
18 substantiated cases so that went through
19 APU, so that went trials. One case the
20 police commissioner retained it closed with
21 instructions so that means training. One,
22 no penalty. One with command discipline so
23 that's five days vacation and two with
24 command discipline B, up to ten days
25 vacation so that's a little background to

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2 my question. Does the Board think it's
3 acceptable and proportionate penalty
4 outcomes for substantiated choke holds
5 that -- it's potentially a technique that
6 could kill someone, I mean, you know this
7 from Eric Garner. Does the Board think
8 these are appropriate penalty outcomes
9 meaning retraining, no penalties, five days
10 vacation, ten days vacation taken on a
11 prohibited technique that the NYPD bans?

12 CHAIR WILEY: So I'm -- actually,
13 you're at five minutes and I've actually
14 asked people to stick to two. I think
15 you're asking of an opinion of the Board
16 and what I would ask is that we take it off
17 line so that we can get other people to be
18 able to come and testify before us.

19 I think you're asking an opinion
20 where each case is different so I think
21 that's one thing that people should
22 understand is when the Board is making
23 disciplinary recommendations, the fact that
24 something falls into a category doesn't
25 mean that every single case is the exact

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2 kind of case. So, I in the absence of
3 looking at each individual case, I don't
4 think the Board can make a generalized
5 answer because each case is different and
6 is evaluated differently. I think the
7 question, which is one thing we want to get
8 to, which is why I want to make sure others
9 can testify, is this conversation about
10 goals, is how we look at understanding
11 where and how we can improve our practices
12 and hear, I think to your point, from the
13 community about where the community
14 identifies that for us so I think finding
15 those ways are gonna be incredibly
16 important and you've already had some very
17 useful suggestions so I want to make sure
18 we can take them off line. So if I can ask
19 you to talk to our Director of Outreach,
20 that would be great. And with that, I want
21 to go to our next speaker which is Shannon
22 Jones. And just so you know in case there
23 is anyone who didn't sign-up, I apologize,
24 I have someone's name written here but I
25 can't read the name. It looks like Evette

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2 Stalk; is that correct?

3 MS. STARK: Stark.

4 CHAIR WILEY: Stark. Okay, thank
5 you. You'll be next and then I have Yvonne
6 Jennings so if there's anyone who wanted to
7 speak and I haven't named, we'll just need
8 you to sign -- in

9 MS. JONES: Good evening. My
10 name is Shannon Jones, I'm the co-founder
11 of Bronxites for NYPD Accountability also
12 known as Why Accountability, started in
13 July of 2014 after the choke hold murder of
14 Eric Garner captured on video.

15 I came here this evening with a
16 couple of points. The Board is very
17 familiar with who I am but before I begin,
18 I'll say two things which is one, I
19 guarantee you I will exceed two minutes,
20 and if the Board felt that it was
21 appropriate for their mediation director to
22 take approximately 28 minutes to go over
23 material that is readily available on every
24 single monthly report, that describes in
25 detail what mediations are, what they're

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about and how they are structured, I'm sure the Board has time for a member of community to exceed two minutes of speaking. So with that said, I found that that presentation was absolutely inappropriate and reprehensible to absorb the precious time that community members took to come to this space outside of their communities to address a Board. To front load the conversation with propaganda and aggrandizement is disgusting and inappropriate and I will make comments with respect to that.

First and foremost, there should never be any jokes in this space. Police brutality, whether it's the use of force, abuse of authority, discourtesy or any other disrespectful behavior to the community is upfront and personal to the people that take the time to come here. I don't see any instance where I've ever laughed in this space and I don't think anyone should be either, and I'm particularly looking at the black people to

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2 see if they were laughing at any jokes told
3 today because with 5 to 600,000 stop and
4 frisk in its height from 2010 to 2012, it's
5 highly likely that your brother, cousin,
6 nephew, father or uncle was stopped and
7 frisked within the past six to eight years
8 so I don't see anything funny in this
9 space. It's highly likely it's happened to
10 one of them. It's highly likely that one
11 of them has experienced police brutality
12 within your six degrees of separation so
13 that's just my critique of the behavior of
14 the room before I get into my direct
15 points.

16 With respect to the mediation
17 director, I find it strange that you take
18 your statistics and use that to make a
19 qualitative conclusion about what those
20 numbers mean so I would dispute that.

21 Actually, as similar to what
22 Mr. Jose LaSalle has said, cops go to
23 mediation because it's a joke to them.
24 It's a joke to them. So more cops go to
25 mediation because they know full well

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2 nothing happens. Cops have laughed in my
3 face when I mention mediation because they
4 know it's a joke, and this system, the way
5 it's set up, is a joke to them because what
6 the gentlemen from the 66th Precinct are
7 talking about and, yes, sir, you are in the
8 wrong place because what you guys are
9 experiencing is called impunity. That's
10 the word for it. It's called impunity.
11 When people that have authority over the
12 general public are not punished for their
13 wrongdoing, repeatedly, over and over
14 despite evidence to the contrary or
15 evidence from the community that they
16 should be punished. That's impunity and
17 that's what's going on here.

18 And what I will also offer is
19 that the way the cops police certain
20 communities is an imbalance. They're not
21 gonna ticket the people that go to the
22 catering place or the people that drop
23 their kids off to school in the 66 but they
24 do it in the 42. They'll do it in the 43.
25 They'll do it in 41. They'll do it in the

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2 40. So while these residents are
3 frustrated why the law is not followed, the
4 law is overly policed in our communities to
5 our detriment, which leads to highly
6 escalating interactions with the police,
7 which can lead possibly to a choke hold
8 death or a beat down which we should be
9 familiar with in this room. Again, nothing
10 funny. So I caution the mediation director
11 or anyone at this Board, which I've spoken
12 on publicly before the Board, to
13 erroneously contextualize statistics to
14 suit your agenda.

15 We are in an election cycle and I
16 know it's very, very important to the
17 incumbent mayor to show the public that
18 CCRB complaints are down and one way to do
19 that is to foster increased mediations.
20 We've discussed this over and over and
21 over. My first time presenting to this
22 Board was in September of 2014. These
23 issues are not new. These are the same
24 Board members that have been here for the
25 most part, and if you weren't here you are

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2 free to read the minutes just like I have
3 to do when I'm not here to understand what
4 has been repeatedly presented to you from
5 members of the community over and over and
6 over.

7 With that said, let's move to the
8 statistical report. I recall requesting of
9 this Board that they break off public
10 housing complaints and separate them from
11 the overall precinct command. So, for
12 example, I live in the public service area
13 7, which is under the 42. I need to know
14 how many complaints came in under PSA 7,
15 not just the 42 because no one will claim
16 responsibility for that. So hopefully,
17 someone will work on that going forward in
18 the following month to ensure that the
19 community members and NYCHA residents know
20 exactly what's going on with their
21 community.

22 With respect to substantiated --
23 the increase of substantiated complaints by
24 video evidence, let's be clear, video
25 evidence is from the community. That's

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2 Ramsey Order. I don't see how that
3 translates into police officers wearing
4 body cameras. The community should be
5 equipped with cameras because that's what
6 substantiates reports, not the Police
7 Department. Am I correct on that? What is
8 the percentage of substantiated complaints
9 with video evidence where the video
10 evidence came from a police officer?

11 (No response.)

12 MS. JONES: Zero percent?

13 (No response.)

14 MS. JONES: That's in the form of
15 a question, Board.

16 CHAIR WILEY: I'm sorry. So
17 you're at six minutes. I've let you gone
18 on because --

19 MS. JONES: No, you didn't allow
20 me. You allowed your own employee to go on
21 for 27 minutes.

22 CHAIR WILEY: We have other
23 members of public who are wanting some
24 time.

25 MS. JONES: Ma'am, if anyone here

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2 that has signed up to speak that would like
3 to defer their time in the greater good and
4 in the interest of the community, I will
5 gladly accept that deferral because I'm
6 getting to business.

7 CHAIR WILEY: Ms. Stark has
8 already said that she will.

9 MS. STARK: I actually agree with
10 her. I don't understand why this lovely
11 woman who is very bright had to speak for
12 so long on issues that are just pertaining
13 to this. I've never been here before, I
14 think she should have an opportunity to
15 speak and I'm disabled and I came down here
16 and I'm kind of miserable, and I want to
17 speak, too. I think she should be able to
18 finish.

19 CHAIR WILEY: Well, since you are
20 next on the list, as long as you feel that
21 way --

22 MS. STARK: She should be able to
23 speak.

24 CHAIR WILEY: Then, that was why
25 I was asking because I recognize that you

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came here as well. And we just on the PSA data, we will take that back to our policy unit to see if we can start presenting --

MS. JONES: Okay. And getting back to the question since we're now all pressed for time, how many of the substantiated complaints using video evidence was submitted by NYPD?

CHAIR WILEY: So the body worn camera is just being rolled out so we'd have to pull it that way because that's not data we have available in front of the Board right now.

MS. JONES: Okay. So I'll look for that next month. What is the percentage of substantiated complaints submitted to the CCRB using the video evidence that was submitted by NYPD versus civilian members versus business cameras or home owner cameras? Get to it. You guys got work to do on behalf of the community.

Also, with that said, the outreach. I've been very closely watching the outreach efforts of the Board since

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2014 and the Board goes to all friendly places. You don't go anywhere where people get they ass whooped, and excuse my language, that's the bottom line. All right. This is uncomfortable. Police brutality is uncomfortable. You will not be able to do this job in comfort. The same way you can grab a mic and a speaker and stand on the corner, solicit from the community. Inside of churches, not gonna work. Inside of community centers, not gonna work. Stand on the street in front of a high school dismissal at 3 p.m. and ask 13 to 18 years old about police behavior.

Then that brings me to the subject of operational terrorism. The CCRB is very, very focused on conceptualizing and even in some egregious instances propagandizing their own statistics. However, doesn't do much to seek out phenomenon that take place in the community. So I'll give you a clue, which I brought to the Board in the past. It's

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2 called operational terrorism. Where a
3 police officer may not speak to me at all,
4 he may not touch me, he may not address me
5 but they commit acts that are of
6 disrespect, are of an omnipresence to make
7 sure that the community is aware that
8 they're there to intimidate the community.
9 I can give you two examples. One, every
10 single morning without fail, the PSA 7
11 blares their police horns from the cars.
12 When I'm getting up for work any time
13 between 6:00 a.m. to 9:00 a.m. Now, we
14 can't have it both ways, is crime up or is
15 crime down? Are you responding to an
16 emergency or not? No. It's just to do it
17 because they can. Because most police
18 officers live on the South Shore of Staten
19 Island or Long Island or in Throgs Neck.
20 They do not give a damn about Mott Haven,
21 Morrisania, Claremont, South Side Jamaica,
22 Bed Stuy or Brownsville. So they conduct
23 themselves in such a way where they will
24 not be held accountable.

25 On a particular day last week, I

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2 approached PSA 7 Vehicle 9158 at
3 approximately 8:20 in the morning. I even
4 tweeted the precinct commander about why
5 did the cop car use it's emergency horn
6 just to tell a livery cab to move out of
7 their way to drive 50 feet to stop at a red
8 light? Now, all of the residents in my
9 housing development that are in their homes
10 hear a blaring horn. When you hear a
11 blaring horn, what do you think is going
12 on? Some type of emergency. Someone's in
13 distress or there's a crime being
14 committed, and this is what I mean,
15 operational terrorism. It sets the tone
16 that black and brown communities are in a
17 constant state of emergency.

18 In violation of the patrol guide,
19 precinct vehicles constantly sit on the
20 corners of public housing developments with
21 their cherry lights. I have hours of video
22 of this. In emergency situations only are
23 when cherries are to be used. This is
24 operational terrorism. If you look out
25 your window, it makes you think there is

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2 serious crime or an emergency being
3 committed when there is not. I look at the
4 eagle report. My housing development has
5 very little crime, at least according to
6 the statistics, and anecdotally, in my
7 opinion.

8 So moving on as to why the
9 community does not trust the CCRB. Just
10 looking at the monthly report for this
11 month on Page 32. Thank you to those in
12 the Board that kindly flipped. I see
13 people are still writing, it's nothing to
14 write. Please follow along. Please follow
15 along. Board, please follow along. You
16 have your monthly report, follow along.
17 Can't be too cocky that you don't want to
18 follow along when a community member on
19 your own report --

20 MR. SIEGAL: I don't think you
21 should tell the Board --

22 MS. JONES: Oh, no. I most
23 certainly can because when I look at my pay
24 stub, there's monies deducted, it's called
25 taxes.

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2 MR. SIEGAL: I have a question
3 relating to the presentation.

4 MS. JONES: The presentation is
5 not done and when you're ready to address
6 questions to me, I will gladly take them.

7 MR. SIEGAL: It's not a question
8 for you, it's --

9 MS. JONES: I am looking at the
10 Board and I am asking for respect for those
11 to follow along. I saw two people do that
12 and other Board members did not.

13 MR. SIEGAL: Madam chair, I have
14 a question relating to --

15 MS. JONES: Sir. Excuse me, sir.
16 I am asking for respect in this space and
17 my presentation --

18 MR. SIEGAL: If you let me ask a
19 question, you might understand the respect
20 your presentation is about to get.

21 MS. JONES: Sir, sir, if you want
22 to do a battle of the egos --

23 MR. SIEGAL: There's no battle of
24 egos.

25 MS. JONES: -- I am not gonna do

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2 that, please allow me to finish my
3 presentation, it is shortly concluding. On
4 page 32, of the APU adjudicated cases for
5 March 2017, there are substantiated charges
6 recommended for the 46 Precinct for using a
7 blunt instrument as a club, for physical
8 force, for a strip search, retaliatory
9 summons, a word discourtesy at a stop and
10 abuse of authority. The CCRB recommended
11 APU charges for which the NYPD discipline
12 was none. Zero discipline. This is what
13 makes the CCRB toothless because if the
14 NYPD can still selectively choose which
15 recommendations to follow, that is what,
16 gentlemen, is called impunity because if
17 they can selectively choose charges, it
18 makes the organization toothless. And the
19 reason why I point out the 46 Precinct in
20 particular is because on September 19th of
21 2016, I was assaulted by the 46 Precinct.
22 And I know there's an option for people to
23 submit video evidence. However, for those
24 on the Board that can see it, I shall play
25 it. So this is video evidence coming from

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2 the community, not from body cameras, it's
3 coming from the community which shows the
4 46 Precinct engaging in assault.

5 (Whereupon, a smartphone video is
6 played.)

7 MR.DARCHE: It just froze.

8 MS. JONES: Yes. Because we're
9 in this space that deliberately doesn't
10 have appropriate wi-fi.

11 MS. JONES: Okay. So that's just
12 a snippet. So if that happened at the 46
13 Precinct, there is absolutely zero
14 motivation for me to make a formal CRRB
15 complaint because the likelihood that these
16 officers would be held accountable, and I
17 entered the precinct in order to see about
18 a member of the community that was
19 arrested, there's no way in hell I'll make
20 this report because then after the fact,
21 the police officers will have my address in
22 order to directly harass me, to directly
23 harass my family members or to otherwise
24 intimidate me, which community members have
25 testified to in precinct community meetings

1 Proceedings

2 for which I have been present. That is a
3 pattern that when you make a CCRB complaint
4 and I think that's something that Ms. Lisa
5 should make note of, how many people
6 received anonymous phone calls, hang up
7 phone calls, knocks on their door, when
8 they enter a CCRB complaint and then later
9 chose the mediation? This is the value of
10 having the community in the room because we
11 know how it works. I doubt you've asked
12 the question. I doubt you've asked it.
13 Have they been intimidated in any way from
14 the Police Department after lodging their
15 complaint? That's a survey that you should
16 get into. You should survey the community,
17 not just contextualize your own figures and
18 I say that again, the Board knows who I am
19 as a Master in Political Science, I know
20 about doing things like that. How to make
21 your body more effective, okay.

22 All right. So with that said,
23 this is why the community cannot trust this
24 body because it's a waste of time and the
25 police know it. All of these guys get on

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2 the LIE and go home. They have no
3 accountability to me. I won't see their
4 wives in the store. Their children don't
5 go to school with my children, we're not
6 walking around the same place so they don't
7 give a damn. They can rough me up, snatch
8 my phone, forcibly eject me from the
9 precinct, and then the commander of said
10 precinct, Phillip Rivera, can go to his
11 following precinct meeting in October and
12 lie to the community, and inform them that
13 he is aware of it and an IAB investigation
14 was entered for which I also have on video
15 which are his statements to date from
16 September to April. I have never been
17 contacted by IAB but I come to those
18 precinct meetings every single month for
19 two years and reported to Phillip Rivera
20 what happened at the 46 Precinct. My name,
21 address and phone number appear in the
22 logbook every single month so if he needed
23 to provide IAB with identifying documents
24 on who I am, he most certainly had the
25 means to do so.

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2 So what you end up with is a
3 propaganda parade, and it's very
4 unfortunate that the CCRB this evening
5 engaged in such behavior by front loading
6 its own staff to pack this meeting away
7 from the needs and the cries of the
8 community. So those are the issues that I
9 have for this meeting. I know I haven't
10 been here for a while but considering the
11 format of this evening, it's critically
12 important that community activists continue
13 to return on a regular basis to hold you
14 guys accountable because now this has
15 reached epic proportions. So I thank you.
16 Thank you for deferring and I appreciate
17 that. Thank you.

18 MR. SIEGAL: I have a question
19 raised by the presentation and that is,
20 what is the effect if any on the statistics
21 that we report about the CCRB caseload and
22 the number of complaints filed by cases
23 that go to mediation? Does a referral of a
24 case to mediation affect the number of
25 complaints made to agency that we report?

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1 Proceedings

2 MR. DARCHE: No. There those are
3 still listed as complaints.

4 MS. JONES: This is not my first
5 rodeo show. We know all the complaints
6 still get counted, sir, but when the
7 mediation is sealed and it's time to look
8 at an officer's record when he continues to
9 escalate his misconduct there's no record
10 of that. So it's just a raw aggregation.

11 MR. SIEGAL: I understand that.

12 MS. JONES: It's an aggregation
13 of complaints that is not specific to that
14 officer's conduct when that officer is in
15 the community on a daily basis committing
16 acts of force, abuse of authority and
17 disrespect.

18 When I asked the Patrol Car 9158
19 of PSA 7 why were they blaring their horns
20 in a nonemergency situation, I was told by
21 two white men in the police car to mind my
22 business, and they drove off and broke the
23 light that they were waiting at. This is
24 the environment that impunity has created
25 in black and brown communities, and anyone

1 Proceedings

2 that believes that it deserves a joke, a
3 smirk, a laugh, a facetious remark, a
4 snarky retort doesn't deserve the chair
5 that they sit on.

6 CHAIR WILEY: Thank you. So we
7 will start reporting PSA level data. We
8 actually have heard from a number of our
9 community meetings, the question of fears
10 about harassment and that's something
11 that we're trying to figure out how we can
12 intervene in. It's an incredibly important
13 question because we have heard it repeatedly.
14 Figuring out how is I think the issue. So
15 if folks have suggestions for what we can
16 as the CCRB from our side can do we are
17 very, very much open to it and it's
18 something that we're thinking about but I
19 dont want to take up more time because we
20 have Ms. Stark has been waiting very
21 patiently.

22 MS. STARK: I have never been to
23 this meeting before and thank you very much
24 for all gathering here. I would really
25 like to talk about civil rights and human

1 Proceedings

2 rights, violations taking place in the
3 judicial, attorney, family and divorce
4 courts.

5 I have been personally engaged in
6 a seven point five year divorce court case
7 and the judicial malfeasance, the judicial
8 attorney malfeasance, the creation of
9 falsified documentation, the perjury, the
10 collusion when it comes to net worth
11 statements is just diabolical.

12 There is a punitive oppression
13 and punishment as if you're a criminal.
14 God help you if you have property and are a
15 senior person in a divorce because all
16 anybody is interested in is a net worth
17 statement. I am speaking not just for
18 myself, I know three other women who have
19 26 attorneys between all of us in divorce
20 court about to be thrown out of apartments
21 and forced sales.

22 Having been in this type of
23 constant conflict and oppression for ten
24 years, mine is seven and a half and I'm on
25 food stamps. I'm living in one of the 25

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2 wealthiest neighborhoods on the planet
3 earth, and I have been totally abused by
4 the system and it's unconscionable. Judges
5 are not being held accountable. The big
6 word here is accountability in almost every
7 person who has spoken here this evening and
8 I have grown up in the Bronx and it took me
9 a long time to move into Greenwich Village
10 where I've been living for 33 years, where
11 I've protested and gone to jail actually in
12 supporting first responders in the
13 community when Saint Vincents closed so I'm
14 a community person. I attend community
15 meetings in District 2, 3 and 1, and I've
16 been a realty person for many years so I'm
17 interested in preserving the historic
18 component of our communities.

19 There's something very, very
20 wrong when children are being taken
21 illegally from homes by CPS. There's
22 something very, very wrong when somebody
23 like myself will be left penniless and
24 homeless at approaching 60 years old
25 because I'm married to an attorney who has

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seven attorneys and I have no legal counsel and there is no legal aid to help me being set up by an oppressive judge who is cruel, very cruel. Many of the judges in the divorce arena of courts are just stealing money and pocketing money and allowing attorneys to line their pockets and it is despicable, it is criminal.

People need to be held accountable, they need to go to jail. There's perjury and there's malfeasance and IRS and banks are used as well since there is so many relationships with forensic accounting firms, with money in the Cayman Islands. It is astounding to me how no one will hold these judges accountable in their little black robes when the Constitution, the Bill of Rights is not being upheld in the Court in any way, shape or form and there is no oath of office and total malfeasance.

My dad fought in World War II. He landed on Omaha beach which is the bloodiest invasion of World War II. My

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Proceedings

judge insulted my father in open court and people laughed. How many other veterans are being laughed at in open court by judges who seem to have way too much power and control that they abuse? So that's all I have to say. Thanks.

CHAIR WILEY: Well, I think we all appreciate the time everyone has taken who has come here today. Unfortunately, that's not within our jurisdiction although, I think we can also -- there are some advocacy groups who do work on these issues and Office of Court Administration which is responsible for the training and oversight of judges. So perhaps we can give you some connections to folks that do have some role.

MR. KUDELKA: Madam Chair, can I just request a couple of additional minutes? There's been a variety of public comments. I'm gonna ask very relevant questions.

CHAIR WILEY: Unfortunately, I can't because we have other agenda items

1 Proceedings

2 that we have to get to. I'm actually very
3 glad that we dropped down the goals
4 discussion so that we could get to the
5 public comment but we actually have two
6 fairly substantive items that we need to
7 get to and we still have our executive
8 session and I think I still have one more
9 person on the -- oh, actually, maybe I
10 don't. Oh, here it is. Yvonne Jennings.

11 MS. JENNINGS: I had reached out.
12 I came here a couple of weeks ago. It's a
13 stalking issue. Everybody up here knows of
14 me. It started ten years ago. It's a
15 police issue. I reached out to you. Every
16 part of anybody for a long time. I got off
17 the bus, was chased in here, grabbed at,
18 run down into this building. Anyone spend
19 the day watching me, I don't believe that
20 anybody could watch this and there's not
21 something wrong with it.

22 I don't know anybody up here
23 other than checking out the website to see
24 who was here. I don't know anybody.
25 Everyone seems to know me. Every day since

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1 Proceedings

2 2009 a letter went to this man named Obama.
3 The letters now go to Trump. They go to
4 every bus and train camera (showing). It
5 says, in case anything happen to me, I
6 don't know anyone in here or when I leave
7 here. You spend the day, you follow me,
8 you see people grabbing at me, chasing me
9 on every corner. I will give you -- I
10 don't have an extra copy but if anyone
11 wants me to send some copies to someone,
12 I'll send it.

13 I fear for my life. This letter
14 went to William F. Sweeny and three people
15 in the FBI's Outreach Department. Went
16 certified. The other letter in here went
17 to O'Neill February 25th. Every bus and
18 train cameras seen these letters, every
19 camera. My day. My diary. I write
20 everything down. I was just back there
21 writing down stuff. It goes in under
22 camera. When I came in, this went under
23 the camera.

24 I reached out to y'all because I
25 was almost crying back there because what

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1 Proceedings

2 the lady said, that lady back there, I
3 complained about this drama to Raymond
4 Kelly, to Bratton's -- what's his --
5 windows, broken windows? And to the new
6 one. The new one on January 11th was
7 across the street from (inaudible) and
8 O'Neill sat on the panel. It was him, Jim
9 Jaffe, Chief Jaffe and some others.
10 January 11th for two hours they sat and
11 he's sitting there the whole time like this
12 (indicating). I watched O'Neill and went
13 like this and pointed back. They started
14 guzzling water and at the end was R.
15 Stephenson at the 47th.

16 Now, I had reached out, these
17 letters said to different precincts that I
18 reached out that I pass through in the day.
19 Over here, it's 5, Precinct 5. It's Ng.
20 When he first got there, I reached out to
21 him. When I got there to the community
22 fair meeting that night, there was a man
23 with him and I said to him, could I speak
24 to the captain after? I didn't speak to
25 him. I don't speak to nobody.

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1 Proceedings

2 I do have a feeling that I know
3 that they're all well aware of this
4 stalking, taunting, harassing of me came
5 down from the Justice Department and
6 whoever was in the house that I live for a
7 long time started the -- I don't do drugs.
8 But I don't know the depth of it. It
9 started May 11th, 2006 and I complained to
10 everyone. The letters went to -- Oh, the
11 letters went to everyone. There's a
12 website on the mayor that you send
13 complaints to. You guys, all of y'all got
14 from me. 741-8401, who's number is that?
15 I said staking, taunting, harassment,
16 complaining about this. I don't get an
17 answer. The lady back there just
18 enlightened me. I shouldn't but it's scary
19 as hell that you can complain about the
20 police encouraging and watching this but I
21 complained. You're supposed to -- who you
22 gonna complain to?

23 You standing at today at a
24 camera, you call 331 [sic] you make three
25 calls to 26 Federal Plaza, three, on my

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2 wonderful, hot phone. Grabbing at me,
3 going and I'm standing there like this
4 (indicating). Three calls. The amount of
5 plain clothes that are around me ten years
6 ago I knew half the (inaudible) marks that
7 follow me. There's a problem so I'm
8 complaining to them. What'd you call it,
9 the foxes in the hen house? There's a
10 problem because I did reach out to you a
11 couple of weeks ago when I came here. When
12 I left I managed to go a little bit.
13 Called in a very bad state, asked, you
14 know, someone to pass through to you that I
15 was trying to reach you but I don't know if
16 you got the message.

17 CHAIR WILEY: I didn't get it.

18 MS. JENNINGS: You didn't get it?

19 CHAIR WILEY: No.

20 MS. JENNINGS: Okay. Because you
21 were gonna be here, you know. So it's an
22 issue that the top of the letters said that
23 I fear for my life. I've been assaulted on
24 the train. It's nothing new. I been, when
25 I get on the street, you see people and you

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1 Proceedings

2 see me looking. No, I never smoked, drank,
3 did drugs in my life. I'm not a liar or a
4 thief. I'm a nice lady. Who everyone
5 knows me. I don't know anyone.

6 I have now ten years been
7 watching this union 100 MTA who's
8 encouraged someone to get me at every
9 corner. Anybody here from law enforcement?
10 Got some law enforcement up there? Ronald
11 L. Davis, cops. Now, it's not him, it's
12 Rush Washington. No? You heard of Rush
13 Washington?

14 MR. EASON: No.

15 MS. JENNINGS: No. You don't
16 know him but you heard of Ronald L. Davis?
17 Cops? No? Justice Department, you never
18 heard of him? Cops?

19 MR. EASON: No.

20 MS. JENNINGS: Okay. That's all
21 right. It's ten years. So I'm trying to
22 get a little help with the drama but them
23 letters are on overtime now. So anybody
24 here from the Mayor's office or the Police
25 Department because it was a public advocate

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1 Proceedings

2 de Blasio that I tried to reach but to no
3 avail. He's now the wonderful mayor. So
4 anyone who can help me out a little with
5 this I'm just watching. Spend the day,
6 watch me and see people chase me down in
7 the streets. We got a problem. But I
8 complain to here, CCRB, and I complain to
9 the other one. Yeah. Ms. Jennings. I
10 fear for my life so I'm gonna sit back
11 here. After, if somebody will talk to me.

12 CHAIR WILEY: Thank you.

13 MS. JENNINGS: Yeah, uh-huh.

14 CHAIR WILEY: In light of the
15 time, because we still have the executive
16 session items, I'm actually going ask if
17 the Board would like to roll the
18 conversations we're gonna have about agency
19 goals and criminal histories to the next
20 board meeting? We weren't going to finish
21 those items tonight anyway. We will have
22 some additional board members. Is that
23 acceptable to the Board?

24 (Chorus of ayes.)

25 CHAIR WILEY: Okay. So those

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2 items we will have in our public session
3 next month. I would then ask if we have
4 any other old business? Does any board
5 member have any old business?

6 (No response.)

7 CHAIR WILEY: Do we have any new
8 business other than the items we just
9 discussed?

10 MR. PUMA: Just a question
11 regarding our community partners
12 initiative. I wanted to --

13 CHAR WILEY: Yes. Which for the
14 public's information, is an initiative in
15 which the CCRB staff partners with City
16 Council Members and actually has sessions
17 in the offices of City Council Members to
18 be available to members of the community to
19 either initiate complaints or raise issues
20 so we have several partnerships right now.

21 MR. PUMA: And then I wanted to
22 clarify whether complainants can actually
23 give sworn statements at those sites?

24 MR. DARCHE: Yes.

25 MR. PUMA: Yes. Okay.

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2 CHAIR WILEY: Yes.

3 MR. PUMA: Okay. So a suggestion
4 on the website. There's the investigations
5 page describes the process, there's a
6 sentence to the effect that if need be,
7 complainants can give their statements at
8 locations in the boroughs but there's no
9 link to what those locations are and we do
10 have a web page, a page on the website that
11 lists the locations in the boroughs so the
12 partners that are participating now so
13 that's just a suggestion to sort of make it
14 more apparent that that's an option.

15 CHAIR WILEY: That's helpful.
16 We'll pass it on to the staff. Thanks. So
17 any other new business other than that?

18 (No response.)

19 CHAIR WILEY: Hearing none, do I
20 have a motion to adjourn to executive
21 session?

22 MR. PEGUERO: So moved.

23 CHAIR WILEY: Second?

24 MR. DWYER: Second.

25 CHAIR WILEY: All those in favor?

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(Chorus of ayes.)

CHAIR WILEY: All those opposed?

(No response.)

CHAIR WILEY: Any abstentions?

(No response.)

CHAIR WILEY: Hearing none, we are now adjourning into executive session. This concludes the public part of this meeting. Thank you very much for all of you've spent your time. I want to make sure you connect with staff to some suggestions on the issues that you raised and I'm, in the interest of time, gonna ask for board members to move -- relatively quickly back. Thank you.

(Time noted: 8:46 p.m.)

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C E R T I F I C A T E

STATE OF NEW YORK)

) ss.:

COUNTY OF KINGS)

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

I reported the proceedings in the within-entitled matter, and that the 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 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 of April 2016.

Joanna Garcia
JOANNA GARCIA

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