

Civilian Complaint Review Board Meeting
October 14, 2015

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CIVILIAN COMPLAINT REVIEW BOARD

PUBLIC MEETING

October 14, 2015

6:30 p.m

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Bronx Museum of the Arts,
1040 Grand Concourse
Bronx, New York

TRANSCRIPT OF AUDIO RECORDING

RICHARD D. EMERY, ESQ., CHAIRPERSON

MINA Q. MALIK, ESQ., EXECUTIVE DIRECTOR

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PUBLIC MEETING AGENDA:

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1. Call to Order
2. Adoption of Minutes
3. Report from the Chair
 - * Board Panel -- Case Resolution Times
 - * Update on Rules

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PUBLIC MEETING AGENDA (Continued)

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- 5. Report from the Executive Director
 - * Monthly Report
- 6. Committee Reports
 - * Mediation
 - * Outreach
- 7. Resolution: Dual Penalties for NYPD Misconduct
- 8. Resolution: NYPD Use of Cameras for Home Entries
- 9. Resolution: NYPD Installation of Cameras at Precinct Stations
- 10. Resolution: Procedure for Reopening Cases
- 11. Resolution: Updating CTS Allegations
- 12. Old Business
- 13. New Business

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BOARD MEMBERS PRESENT:

Richard D. Emery, Esq., Chairperson

I. Bennett Caper, Commissioner

Lindsay Eason, Commissioner

Salvatore F. Carcaterra, Commissioner

Bishop Mitchell G. Taylor, Commissioner

Janette Cortes-Gomez, Esq. Commissioner

Youngkik Yoon, Esq., Commissioner

Joseph Puma, Commissioner

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Mina Q. Malik, Esq., Executive Director

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2 CHAIR EMERY: I guess the first
3 thing is adoption of the minutes. Do we
4 have a motion? A motion for the minutes?

5 Mr. CARCATERRA: Yes.

6 CHAIR EMERY: O.K. I need... All
7 in favor? Ayes?

8 (Chorus of ayes.)

9 CHAIR EMERY: Any opposed?

10 (No response.)

11 CHAIR EMERY: I want to wait for
12 Bishop Taylor to do the full report. I
13 do think that we can handle the rules
14 issues and try, since we've spent so much
15 time on these proposed rules, and I
16 recently did a fair amount of work on the
17 rules with staff to try and reflect our
18 current practices more accurately in some
19 respects -- in some minor respects, and I
20 think all the Members of the Board which
21 are -- the public rules are available,
22 the changes, I think at the front desk;
23 is that right, Vasudha?

24 So all the changes are available,
25 all the most recent edits rather than go

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through them one by one, are people on the board satisfied? We got these sometime ago, with some updates in the interim between the time we first got them and today. Are there any issues that we should bring up or do you want to go through them?

What's the sense of the board? Do you want to go through them one by one? Do you want to adopt these changes?

I think the changes for the most part are not controversial. I'm happy to discuss the reasons for any of them that any board member thinks should be discussed, but I don't see a reason to go through them one by one unless anybody wants to.

MR. CAPERS: So I don't see the need to go through them one by one.

I did have a concern about one section.

CHAIR EMERY: O.K.

MR. CAPERS: This might be a question.

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1 So Section 1-21, Statement of
2 Policy, "The procedures to be followed
3 in investigating complaints shall or
4 will be such as in the opinion of the
5 Full Board, Chair, or Executive Director
6 will best facilitate orderly and
7 thorough fact finding." This is the one
8 where maybe we should just leave it as
9 the Full Board rather than the Full
10 Board, the Chair or the Executive
11 Director.

12 CHAIR EMERY: O.K. So let's --
13 I'm just not finding the right spot here.

14 This is the Statement of Policy,
15 and I think that's fair. I'm comfortable
16 with leaving it the Full Board because
17 it's an overarching view of the rest of
18 policies and procedures.

19 So Lindsey and Vasudha, can we
20 hold back that change and leave that as
21 Full Board? Is there any reason why we
22 shouldn't, that staff can think about
23 that Bennett's suggestion should not be
24 adopted?

25 Is Lindsey here? No.

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2 MS. FLOOK: Yes.

3 CHAIR EMERY: So you're O.K. with
4 this? We'll leave it at Full Board?
5 That's the way it was originally, right?

6 MS. FLOOK: It was Board, but it
7 can be Full Board.

8 CHAIR EMERY: No. Let's just
9 call it Full Board, 'cause Board can be
10 confused with panels, too.

11 MS. FLOOK: Board is defined.
12 Board is defined as the agency CCRB,
13 different from the definition of Full
14 Board.

15 CHAIR EMERY: I think it should
16 be Full Board, then, which is the board
17 itself, the Members of the Board.

18 Does that suit--Does that make
19 sense to you?

20 MR. CAPERS: It does. I mean,
21 the additional concern was the way it's
22 drafted now is you could potentially have
23 inconsistencies, where the Executive
24 wants to go one way, the Chairperson one
25 way, the Full Board another. So it sort

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2 of makes sense just to have it vested
3 in the full board.

4 CHAIR EMERY: I'm fine with that.

5 Are we all O.K. with that?

6 Good. So we'll make that change.

7 Any other changes that anybody
8 would like to make or suggest before we
9 move this document so that we can put it
10 back through this lengthy and arduous
11 process?

12 O.K., so --

13 EXECUTIVE DIRECTOR MALIK: I
14 think the one thing that needs to be
15 raised is, I think, then, in Section
16 1-35, subdivision (d), with regard to the
17 post -- "receipt of the Police
18 Commissioner's final determination,
19 notify the Complainant" --

20 CHAIR EMERY: Right.

21 EXECUTIVE DIRECTOR MALIK: --
22 "and/or Victim by letter of the final
23 action taken by the Police Commissioner."

24 CHAIR EMERY: So I understand
25 Mina's point. Thank you for pointing

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2 that out.

3 The issue there is that the Law
4 Department has opined that our letters to
5 complainants with identifying information
6 about officers are appropriate for the
7 results of panel decisions and the
8 results of decisions that we send over,
9 final decisions to the Police Department
10 in all respects. They have not yet
11 finally opined on the issue of whether
12 we're allowed to provide to complainants,
13 by name of the police officer, the
14 decisions that are the final decisions of
15 the Police Commissioner that are in CCRB
16 cases only, obviously and not others. We
17 have an indication from them that they
18 will, that they do believe that it's
19 captured by the same reasoning as the
20 other letters that we write, but we do
21 not have a final decision on that.

22 So what I would suggest is in
23 adopting the rules, we adopt it subject
24 to the Corp. Counsel's final decision on
25 that issue. If they finally decide, as

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2 they indicate they are likely to decide,
3 we will be fine. If they say otherwise,
4 then we will have to bring it back and
5 adjust it accordingly.

6 Is that all right? Does that
7 make sense, Mina?

8 O.K. Anybody want to move this
9 package of amendments and fixes to the
10 rules?

11 MR. CAPERS: I will move that we
12 adopt the proposed rules with the one
13 caveat you mentioned.

14 CHAIR EMERY: O.K.

15 Second? A second?

16 MR. CARCATERRA: Yes.

17 CHAIR EMERY: We have a second?

18 Good.

19 All in favor?

20 (Chorus of ayes.)

21 CHAIR EMERY: Ayes. Any opposed?

22 (No response.)

23 CHAIR EMERY: O.K., good.

24 So then we will submit them,
25 depending on what the Corp. Counsel says

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1 on the issue outstanding and hopefully
2 move them through the process and go to
3 a public hearing and get the public's
4 comment and assess that public's
5 comments on the rules before they're
6 finalized or amended by the public's
7 comments.

8 There are a number of -- where
9 are my notes? There are a number of
10 potential board resolutions, and I guess
11 at issue here tonight with respect to
12 these board resolutions is, given that we
13 have seven members present and it takes a
14 majority to adopt board resolutions, we
15 have three vacancies, so seven of
16 ten--eight of ten will be here
17 shortly--so we could only adopt these
18 rules if everybody is in favor of them,
19 and that's not at all clear to me. I
20 haven't discussed the rules with any of
21 the Members of the Board in advance. I
22 think these are just discussions that
23 we're going to have on the merits of the
24 rules that people feel are appropriate.

25 So let me just get a straw sense

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2 here of the resolutions as to whether --
3 have all of you reviewed these proposed
4 resolutions?

5 O.K.

6 Are there any people who as a
7 straw matter are opposed to any of these
8 resolutions; and if so, which ones? And
9 then we can see whether we pass the other
10 ones and hold back the ones that there
11 may be an opposition to since we would
12 need to adopt?

13 MR. CAPERS: So the last one I
14 had a question about, the last
15 resolution.

16 CHAIR EMERY: What about?
17 Reopening cases?

18 MR. CAPERS: Yes.

19 CHAIR EMERY: That was -- that's
20 a temporary, interim problem fix because
21 of the pending board rule adoptions.
22 Everything in there is in the board
23 rules, but in the meantime, we need
24 action on that as a practical matter of
25 the ED to make those decisions and that's

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2 why that board resolution worked.

3 Are there any other concerns with
4 these resolutions that would lead us not
5 to bring them up? I'll bring them up one
6 by one, but I'm just trying to see
7 whether it makes sense.

8 MR. CAPERS: I don't have
9 anything.

10 MR. CARCATERRA: (Indicates no
11 with shake of head.)

12 MR. PUMA: Actually, I find
13 myself asking a lot of questions about
14 them --

15 CHAIR EMERY: Well, let's talk
16 about them.

17 MR. PUMA: The background of them.

18 CHAIR EMERY: Sure. Let's talk
19 about them.

20 So which ones do you have
21 questions about?

22 Let's discuss it right now while
23 we can and see whether we can either
24 allay your questions or put them over to
25 another time.

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2 MR. PUMA: Right. I mean, in
3 general, I think, on their face, I mean,
4 I would support them, but I feel like I
5 need more information about what is
6 current practice and what is the purpose
7 of actually passing these resolutions. I
8 mean, we have partners in government that
9 also, I guess, help or at least give us
10 more information about what the current
11 practice is.

12 CHAIR EMERY: Well, which one do
13 you have -- which ones do you need more
14 information about?

15 MR. PUMA: I guess, you know,
16 things like the body cameras during home
17 entries, surveillance cameras at
18 precincts, a number of NYPD stations open
19 to the public, and -- I mean, those are
20 the two main ones.

21 I guess I also just wanted to
22 clarify something about the delegation of
23 authority to the ED to add allegations in
24 CTS. I notice that in the list of
25 allegations that we have in our memo

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2 actually, it seems like in reviewing
3 cases and my experience in reviewing
4 cases there are many allegations that
5 are, I guess -- that I come across that
6 aren't in this list.

7 So I just wanted to understand
8 this resolution to basically update our
9 system and things that -- allegations
10 that are actually occurring are kind of
11 loose as well.

12 CHAIR EMERY: Well, let me try to
13 address a couple of things about the
14 cameras that we're proposing the board
15 do. Again, it's something we can debate,
16 and if not unanimity then we can put it
17 over or do whatever is appropriate, and
18 then maybe Mina can discuss the
19 allegations issues because I'm not as
20 familiar with that. And we'll go one by
21 one if we can achieve that.

22 The resolution on the cameras for
23 home entries, that is, body cameras for
24 home entries, is proposed on the basis
25 that I think many of us -- I hope all of

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us -- I think all of us have seen a large number of cases where complaints are generated by home searches, on one hand, warrant home searches -- some warrant home searches and some warrantless home searches, and some in each category are valid and some are invalid.

The entry into the home itself is usually not something that a camera is going to have much probative value for, but what occurs once officers are in the home and, as we know, that happens very frequently and very early in the morning when they're doing warrant executions or for narcotics raids and when they are in the morning, and it also happens at other times of the day, but it certainly happens very frequently in the morning when people are sleeping, when people are with kids in the home, in the state of some undress or preparing for the day and they're up. And it's an incredibly disruptive and problematic process, which may very well be totally legal when the

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entry is authorized by probable cause and a warrant.

The question of what happens when officers get in people's homes is one that I think is a very controversial one in our cases and among our panelists, and there's a lot of difficulty in determining who is credible in those situations and whether a preponderance of the evidence can ever be marshalled for one -- for the allegation or for the exoneration or for the unfounded or we end up on a lot of unsubstantiated cases.

Because of this, because we all know that cameras are coming, body cameras is something that Commissioner Bratton is advocating strenuously, and while there are a number of deterrents going on right now, there are uniform procedures for all officers, in fact, a very few of them now, but they're going to be expanding slowly and it's going to probably take a couple of years at least before all officers are wearing body

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cameras.

So the sense of this proposal is comprised to call upon the Police Department -- all we can do is recommend to the Police Department. We can't require the Police Department to do anything. But what we can do, given our problem of trying to assess these cases on an evidentiary basis and how much of an advantage it is to have video in assessing cases, as we're learning day by day how important video is, that we are recommending that for our purposes of proving cases where officers are acting properly and they are accused of misconduct wrongfully or where they are doing things that are misconduct and the complainant has a basis for making those allegations, that video would be very helpful and in particularly pristine situations in which video can be extremely helpful to our functioning as an agency and making determinations and so, the idea is to prioritize camera use,

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1 since it's going to be limited among
2 officers, to these situations where they
3 are planned in advance. Obviously,
4 there are going to be home entries,
5 they're not planned and there are not
6 going to be cameras there, but the
7 lion's share of them are planned home
8 entries, and they should, in my view,
9 have cameras. And if they have cameras,
10 I think it's very likely that we will be
11 able to resolve these cases much more
12 definitively, and they are some of the
13 most important cases we have because
14 they are some of the most serious
15 privacy invasions that we find.

16 So that's the sense of that one.

17 The second one, that is
18 advocating, again, recommending to the
19 Police Department that cameras be put in
20 the areas in front of the -- the public
21 areas in front of the desks at police
22 precincts, so in the public areas where
23 people, the community and the public,
24 come into police precincts and the NYCHA
25 precincts and the transit precincts, if

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you will, transit command, transit police centers, all forms of public access to the Police Department's areas where people come in to request CCRB complaints, complain or whatever they're going to do, is to put cameras in those areas.

Currently, there are no cameras out in the areas that are public in front of usually the sergeant's or the captain's desk in police precincts. We have 237 complaints this year taking place right in the area of the police precinct, in the public areas of police precincts. I've noticed in my panels many situations that arise out of events that take place there. Given the fact that every NYCHA lobby, every NYCHA hallway, every NYCHA elevator, every bodega, every business, every street now has surveillance everywhere and cameras are everywhere, including the additional telephone or cell phone cameras or mobile cameras, it just seems to me that it's a

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2 very strange notion that in a police
3 precinct, which is a public location,
4 there is no surveillance camera. And I
5 think we would be aided again in our
6 treatment as to cases that arise out of
7 those -- that area, that physical area in
8 deciding whether police officers acted
9 properly or police officers didn't. And
10 instead of having a lot of he said/she
11 said testimony and, you know, it would
12 shorten -- it would shorten and clarify
13 our work. Videos aren't the answer to
14 everything; videos don't tell the whole
15 story, as we all know, but they certainly
16 help in a lot of cases.

17 So that's the reasoning behind
18 these and all we are doing is
19 recommending and calling upon, as a board
20 that has to struggle with these cases,
21 calling on the Police Department to give
22 us the assistance of having video in
23 these situations.

24 MR. PUMA: I mean, as I -- when I
25 review many cases that take place in

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precinct houses and holding cells, the same thought comes to my mind as well: Wouldn't it be great to have a camera? But, I guess I wonder, and this is not to -- I was -- we were given some statistics about the number of cases that kind of fit this profile, but I guess I wonder what the breakdown of those cases are in terms of just, say, something like a discourtesy, offensive language which may not be provable with a camera that doesn't have audio.

CHAIR EMERY: It may be that we may want to suggest audio as well, but at least you can -- you know, we have a lot of cases where we have those allegations and the video helps, it's not the end of it but it helps. The best thing of telephones, obviously, is that they have audio and sometimes, you're absolutely right, audio is more effective than video.

But, we're trying to do the best we can, and given the fact that video

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seems to be the main or is becoming the main source of our capacity to make definitive decisions about these allegations, we are simply trying to enhance the degree to which we have video available.

Mina, do you want to address the allegations --

EXECUTIVE DIRECTOR MALIK: Sure.

CHAIR EMERY: -- issue?

EXECUTIVE DIRECTOR MALIK: So currently regarding your question, Joe, about the delegation of authority to the board adding allegations through the CTS, as you know, the CCRB investigators currently use the complaint-tracking system to identify and select various subcategories that are raised in a complaint of police misconduct and really the thought here is just to streamline operations, right? Because CTS contains these specific subcategories, but they may not be very specific in certain instances, and to make these

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subcategories more acceptable to our investigative operations as well as to the policy work that we now in our policy unit are doing, there is a need to basically update the CTS allegations from time to time.

So, for example, right now there's a subcategory of premises entered and/or search allegation, right? It would be better to have that broken out into premise entered and a separate subcategory for premises searched. Similarly, offensive language involving gender identity, that should be a subcategory as well. And then, there's also as single allegation, a subcategory for chokehold but through evidence from the circumstances of the complaint or case and adds a category for chokehold and another one for restriction of breathing 'cause they may not be one and the same. So I think it's very important to carve out the actual allegations as they stand factually.

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2 So in the past, the past practice
3 was to have the Board approve the
4 addition of the modification of CTS
5 suballegation or the allegations through
6 a resolution but that's time-consuming
7 and cumbersome, and so, in order to
8 streamline the process in the agency and
9 our operations going forward, I think it
10 would be best for that delegation of
11 authority to be in house in conjunction
12 with consultation with the Board, of
13 course, and with the Executive Staff.

14 MR. PUMA: I completely
15 understand. I just also wanted to
16 clarify because this list of allegations
17 that was provided to us doesn't seem to
18 include -- doesn't seem exhaustive, at
19 least when I compare it to other just
20 cases, from my recollection of events.
21 Like, for example, there's a taser
22 allegation on this list and there's a
23 refusal to provide medical treatment
24 allegation.

25 So I don't think this list is

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2 exhaustive but this is currently what
3 basically (inaudible).

4 EXECUTIVE DIRECTOR MALIK: There
5 is -- Allegation 85.

6 MR. PUMA: O.K., so I stand
7 corrected on that, but I mean, taser,
8 preventing recording may not be on these
9 lists.

10 EXECUTIVE DIRECTOR MALIK: So --
11 right. So that's the idea, is to update
12 and streamline without having to go
13 through the time-consuming task of
14 waiting until a board meeting.

15 MR. CAPERS: So I found this
16 discussion very helpful. I think I'm
17 fully on board with supporting the
18 resolutions (inaudible).

19 CHAIR EMERY: All right. So
20 let's go through them.

21 MR. CAPERS: (Inaudible). CHAIR

22 EMERY: (Inaudible).

23 So let's go through them then. On
24 the first one, it's the resolution to
25 allow us to recommend to the -- this,

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again, is a recommendation to the Police Department that we be allowed to have dual penalties for when the panel decides that there is a CD appropriate as a result of the disposition, that we also be allowed -- they've resisted this, by the way, and they may not adopt it. You know, they may not adopt any of our requests, but the idea here is to allow us to say we would have a CD disposition and we would like training, formalized training or other training. I think that that is an appropriate thing to do in the many cases we feel that training is necessary but we do not want to give only training because we feel that it's too serious to give only training. So I know that's come up in a number of situations.

So, the idea here would be, for instance, there may be a number of cases where we wouldn't bring charges, where we do a training -- a CD and training or whether -- because if you do charges, it's silly to do training. You might

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2 feel the training is more important and
3 therefore do a CD 'cause it's a serious
4 case as opposed to just sending it for
5 charges.

6 So there's a number of
7 possibilities here, and it gives us more
8 flexibility in the sense of the capacity
9 to shape the resolution of the panel,
10 the panel disposition more thoughtfully
11 about a particular case. So that's why
12 this resolution is just calling upon
13 them to do it. I'm not sure they will.
14 They have resisted it so far when we
15 discussed it. They did it for a while
16 as a matter -- it wasn't included, and
17 they told us they didn't want it to come
18 over that way.

19 So all we're doing here is trying
20 to reflect the past practice that was
21 rejected and saying that as a board we
22 would like that option.

23 So anybody want to move this --
24 oh, I'm supposed to read the resolution
25 into the record. Sorry.

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2 The resolution that I'm going to
3 seek to have moved is:

4 "It is resolved that, unless and
5 until the Board otherwise resolves:

6 "1. The Board calls upon the
7 NYPD to allow Board Panels to issue
8 recommendations for both Command
9 Discipline and Formalized Training for
10 instances of police misconduct in which
11 both penalties and retraining are
12 appropriate. The Command Discipline
13 would be reflected in the officer's
14 record."

15 MR. CAPERS: I will so move.

16 CHAIR EMERY: Second?

17 MS. CORTEZ-GOMEZ: I second.

18 CHAIR EMERY: All in favor?

19 (Chorus of ayes and raised
20 hands.)

21 CHAIR EMERY: Any opposed?

22 (No response.)

23 CHAIR EMERY: O.K. The second
24 one is the one that we just -- that Mina
25 just discussed about adding allegations.

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2 It reads:

3 "It is resolved that, unless and
4 until the Board otherwise resolves:

5 "1. The Board delegates the
6 authority to add allegations in the
7 Complaint Tracking System to the
8 Executive Director."

9 Move?

10 MR. CAPERS: I move.

11 CHAIR EMERY: Second?

12 MR. CARCATERRA: Second.

13 CHAIR EMERY: O.K. All in favor?

14 (Chorus of ayes and raised

15 hands.)

16 CHAIR EMERY: Any opposed?

17 (No response.)

18 CHAIR EMERY: The third one is:

19 "It is resolved that, unless and
20 until the Board otherwise resolves:

21 1. The Board calls upon the NYPD
22 to equip members of service that conduct
23 home entries with body-worn cameras,
24 which will provide evidence that is
25 relevant and useful for CCRB

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2 investigations."

3 Motion?

4 MR. CAPERS: I'll support it.

5 CHAIR EMERY: Second.

6 (Mr. Puma indicates with raised
7 hand.)

8 CHAIR EMERY: O.K. second.

9 All in favor?

10 (Chorus of ayes and raised
11 hands.)

12 CHAIR EMERY: Any opposed?

13 (No response.)

14 CHAIR EMERY: The next one is:

15 "It is resolved that, unless and
16 until the Board otherwise resolves:

17 "1. The Board calls upon the
18 NYPD to install cameras at all police
19 precincts, commands, and transit stations
20 where arrestees are held and members of
21 the public may enter. This will provide
22 clarifying evidence for the many
23 police/civilian incidents in police
24 buildings that become CCRB complaints."

25 Motion?

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2 MR. PUMA: I will move it.

3 CHAIR EMERY: Second?

4 (Ms. Cortez-Gomez indicates by
5 raised hand.)

6 CHAIR EMERY: All in favor?

7 (Chorus of ayes and raised
8 hands.)

9 CHAIR EMERY: Any opposed?

10 (No response.)

11 CHAIR EMERY: And the last one is
12 this temporary, we'll call it a temporary
13 because the rules if adopted will take
14 over for this capacity of the Executive
15 Director to reopen cases:

16 "It is resolved that, unless and
17 until the Board otherwise resolves:

18 "1. The Board delegates the
19 authority to the Executive Director to
20 decide all requests to reopen cases,
21 including cases that were fully
22 investigated by the CCRB and cases that
23 were truncated or closed without a full
24 investigation."

25 Motion?

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2 Moved.

3 Second? Do we have a second?

4 (Mr. Puma indicates with raised
5 hand.)

6 CHAIR EMERY: All in favor?

7 (Chorus of ayes and raised
8 hands.)

9 CHAIR EMERY: Any opposed?

10 (No response.)

11 CHAIR EMERY: All right.

12 Excellent.

13 We have adopted the resolutions,
14 and I believe that is all I have for the
15 report from the Chair. And we can go
16 to -- do you want to do the public
17 comment first and then, unless you
18 want -- everybody has had access to the
19 materials at the front desk that provide
20 the monthly statistics.

21 Do we have a list of people who
22 want to speak? Or anybody who wants to
23 speak, please take the podium.

24 Do you have a list?

25 Sir, come on up, Mr. O'Grady.

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2 Good.

3 Why don't you start and see if
4 anybody else comes in.

5 MR. O'GRADY: Mr. Dunn, you want
6 to speak?

7 MR. DUNN: No, no. You start.
8 Go right ahead.

9 MR. O'GRADY: Administrative
10 government Manhattan Sanitation E-10,
11 upon learning of trade waste was left on
12 floor of Apartment 5 by HPD AE
13 contractor, New York City. Trade waste
14 refers to used sheetrock, et cetera, et
15 cetera, et cetera. Contractor's mechanic
16 ripped out used sheetrock on the ceiling
17 of Apartment 5 with long wooden
18 (inaudible) to fully expose joint sewage
19 pipe rupture or rift, north wing 1880
20 Seventh Avenue, Power Global
21 (phonetically), also known as Power
22 Global.

23 Manhattan Sanitation E-10
24 demanded tenant do not touch trade waste.
25 Report to Community Board 10 Manhattan.

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Mind you, this Negro developer had been removed from the property by Corporation Counsel due to pocketing \$200,000 of New York City's money. The Negro developer evidently invited himself back on the property, racially attacked the HPD plumbing contractor payee, telling Chinese worker tenants voted for him to come back on the property.

In fact, in fact, tenants voted him out of the property through 111 Centre street twice, also known as a court-appointed fiduciary.

There are those in the 28th Precinct community who hold Franklin Delano Roosevelt responsible for throwing black Americans out of the Republican Party and into the Democratic Party. Franklin Delano Roosevelt, there's people at the 28th Precinct that say that that was done by Franklin Delano Roosevelt and blacks stop voting for the Republicans and start voting for the Democrats. 28th precinct people say that.

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2 Also that 1940 American high
3 school history book also showed the
4 spiritual or political leader of the
5 Confederacy, Jefferson Davis, was subdued
6 year 1865 but by an all Negro trial jury,
7 all Negro hung jury, all Negro proud jury
8 could not make a decision on Jefferson
9 Davis. Jefferson Davis walked free due
10 to an all Negro hung jury.

11 It was reported by Channel 13
12 television that the trial at Nuremburg in
13 The Netherlands judges, 1945-46 had
14 gallows platforms mounted and in position
15 right behind the court (inaudible) in the
16 court, indicating a kangaroo court. All
17 during the trial the gallows platform was
18 right behind the judge's chair.

19 Thank you.

20 CHAIR EMERY: Thank you.

21 Chris Dunn?

22 MR. DUNN: Good evening.

23 Bennett, welcome back.

24 MR. CAPERS: Thank you.

25 MR. DUNN: I was expressing

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2 concern about your welfare at the last
3 meeting, when you did not appear, having
4 proposed at the prior meeting that the
5 Board start referring to the DAs officers
6 who you found had engaged in making false
7 statements.

8 And I'm so curious about the
9 status of that proposal. I think at the
10 meeting two months ago there was going to
11 be a subcommittee to address that. I
12 don't know that any subcommittee that has
13 been formed or any action has been taken,
14 but I want to encourage you to pursue
15 that issue. I think it's an important
16 issue.

17 CHAIR EMERY: There is a
18 subcommittee and it's definitely a very
19 high priority question and how do we go
20 forward with making known to the various
21 law enforcement agencies or having them
22 have access to us with respect to false
23 statements. Is that correct?

24 MR. CAPERS: It is.

25 MR. DUNN: O.K. So if there is a

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2 on your votes on the resolutions. I
3 would not have predicted that you would
4 have voted for all five, as well as
5 Richard has; so I'm happy to see that's
6 what happened.

7 I will say on this camera
8 business I'm not sure whether there was
9 discussion or consideration of some of
10 the privacy issues here. I totally
11 understand the interest in accountability
12 in having cameras in places, but the
13 resolution about having cameras, for
14 instance, in any place where a visitor
15 might be, I think covers pretty much
16 every square inch of the precinct.

17 CHAIR EMERY: Let me be clear.
18 There's no -- the resolution does not
19 cover the cell areas. It covers only the
20 area, the public area in front of the --
21 the public areas of the precinct.

22 MR. DUNN: Well, O.K. Maybe
23 that's one way to read it. It says
24 all --

25 CHAIR EMERY: I will say for the

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2 record that that's the intention of that
3 section. There's no intent to have
4 cameras -- that's a whole other issue,
5 which, I agree with you, involves much
6 more contemplation than the simple issue
7 which we have and we intended to pass,
8 which was only for the area--public area
9 where people make complaints and are
10 approaching the desk or reception area
11 where these incidents that we were
12 describing have routinely or regularly
13 occur, I should say.

14 MR. DUNN: O.K. I accept that
15 clarification, Richard. I just notice
16 the resolution says where arrestees are
17 held, so arrestees are not generally held
18 in front of the desk, of course, they go
19 first in front of the desk, but --

20 CHAIR EMERY: I understand your
21 confusion, but let's -- we'll clarify
22 this; the intent is not to have -- let me
23 make sure I make this clear for the
24 record. The intent is not to call upon
25 the Police Department to place cameras in

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anywhere other than the public areas of the precincts, where entryway -- where the public enters the precinct and other station -- other police stations where we have had the experience with a number of confrontations or difficulties occurring that arise from complaints or result in complaints, I should say.

MR. DUNN: All right. Thank you.

In terms the report, Mina, you haven't had a chance to give the report yet, so I don't want to step on your presentation, but I do want to comment on it, because I see you have dramatically changed the record, to your credit. I find it to be a much improved report and it has a lot of information in there; and so good for you and the staff who worked on that.

I do have some comments about it, some good, mostly questions. So on the age of the docket, the numbers were so good, frankly, it's hard to believe. But I will believe it. I don't think you're

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2 playing with the numbers. I know that
3 you report a total of two cases between
4 twelve and eighteen months. Assuming
5 that's true, that's astonishing and good
6 for you, good for the agency.

7 CHAIR EMERY: You should hire an
8 auditor and send them in.

9 MR. DUNN: Well --

10 CHAIR EMERY: I encourage it.

11 MR. DUNN: That's the good news.

12 All right. You folks spend a lot
13 of time talking about the substantiation
14 rate, and I see that you take a lot of
15 institutional pride in the substantiation
16 rate. I understand that.

17 I, for one, have never felt that
18 there was a particularly good/bad
19 substantiation rate, but I'm struck by
20 the report, if this is true, the
21 semiannual report, because what you don't
22 talk about is the substance behind the
23 substantiation rate. And the substance
24 is you have singly a record number of
25 officers against whom you subbed

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complaints this month. You have to look and do a little bit of digging but you will find a table that says there's 76 officers against whom you sub reports just last month and there are now 396 officers for the year to date through the end of September.

Those are enormous numbers, enormous increases from a year ago. They are coming at a time when there's a lot of discussion coming from this agency about how much better cops are on the street, a narrative for which I have taken issue. I do not think that this agency should be pushing that narrative. But when I see numbers like this, where you point out a statistical point that's good for the agency but you don't engage with the facts and the grounds behind that statistic, I am concerned about that. And I think the headline here is record number of officers are engaged in misconduct last month, and, to date, twice as many officers have been found by

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1 this agency to have engaged in
2 misconduct this year than just a year
3 ago.

4 And I think you need to
5 acknowledge that and I think you need to
6 start talking about it. I think it's
7 great to talk about substantiation, that
8 could be a good thing for the agency, but
9 what we should spend more time talking
10 about is what that substantiation rate
11 tells us about the frequency of police
12 misconduct.

13 CHAIR EMERY: I'd just like to
14 comment on that, just very briefly. I
15 don't dispute any of the numbers you're
16 saying, but I must say that it's pretty
17 clear to me that the substantiation rate
18 is driven by the video evidence that is
19 now coming to the fore, in addition to
20 the fact that investigations are being
21 closed within about three months and
22 therein go to panels within about four
23 months, and that means evidence is
24 preserved and witness's memories are more
25 clear than ever before.

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2 And, quite frankly, I think the
3 numbers are minuscule compared to the
4 total number of complaints and to the
5 activities, interactions between police
6 officers and civilians overall and
7 especially -- and, in fact, one cannot
8 infer, in my view, anything from the
9 increased numbers of substantiated cases
10 of misconduct about overall
11 civilian-police interactions. I think it
12 has very little -- it's not probative to
13 say that 300 as opposed to 150 is
14 meaningful, when you have 25,000 officers
15 interacting with the public in the month.

16 So I just don't say one way or
17 the other; you may be right, maybe it's
18 not going up or down, but there are --
19 you know, it's a very -- it's an
20 impossible inference to make because we
21 are subbing more officers for reasons
22 that we cannot identify, we need better
23 evidence and video, that that means that
24 we -- that interactions are either better
25 or worse. I don't think one can draw any

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2 conclusions.

3 MR. DUNN: Well, up, that's just
4 a fair methodological question.

5 I am a person troubled by what
6 seems to be an inclination to explain
7 away what appears to be an increase.

8 But setting that aside, if what
9 you are doing -- I don't mean you
10 personally, I mean the agency -- is
11 saying, O.K., we have a substantial
12 increase in the number of officers
13 against whom we have substantiated
14 complaints. What is that about us
15 (inaudible)? Fair enough. I don't see
16 that in this report.

17 What I see is a trumpeting of the
18 29 percent; what I see is the emphasis on
19 numbers that are going down at the
20 exclusion of numbers that are going up.
21 What I see in the semiannual report is a
22 big push to suggest that the drop in
23 complaints somehow means that cops are
24 being better on the street, which, by
25 your logic, and I understand the notion,

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2 raises the exact same issue. There are
3 lots of people who think there's no
4 relationship between the number of
5 complaints the agency gets and police
6 officer misconduct. But if that's your
7 view, you can't--when you see numbers
8 that you like say, those numbers show
9 cops are being better and when there are
10 numbers you don't like say, well, those
11 numbers don't really mean anything.

12 And what I'm saying is I am
13 struck by -- I'm struck by this in the
14 semiannual report. Both those -- this
15 report (inaudible) there are these huge
16 increases in the number of officers
17 against whom complaints have been subbed.
18 Those increase in the numbers without
19 acknowledging them, they're only buried
20 in the table and there's no effort to
21 come to grips with the significance or
22 nonsignificance to them. What I'm saying
23 to you is I think you at least have to
24 grapple with if even if you want to have
25 one view on it and others want to have

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2 another.

3 CHAIR EMERY: Well, I think we
4 are grappling with it and I think we'll
5 continue to grapple with it, but I think
6 the grappling with it has to do with the
7 method by which we are investigating and
8 gathering evidence and using the evidence
9 to reach conclusions which are
10 qualitatively if not dramatically
11 different than they were a year ago.

12 It's a remarkable turnaround with this
13 staff, investigating staff has made in
14 the last year that allows more gathering
15 of evidence which is so much more
16 probative than in the past because of
17 delays primarily and videos secondarily.

18 The issue of complaints going
19 down is a much more probative sample, in
20 my view, and one can infer from this -- I
21 don't think we can be very confident
22 about what it means, but the fact of the
23 matter is once you have complaints
24 dropping from 7,000 to 4,500, or
25 thereabouts that means something,

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especially with an agency that has gained profile and I hope gained credibility.

So to me, there are some arguable inferences, but I don't think anybody can be very confident in any conclusions that one draws from these numbers.

MR. DUNN: Alright. You may not be confident in those, in those conclusions. What I'm saying is I have questions about the conclusions and what I'm saying is the agency is not even confronting what I think is the salient factor, which is that there are many, many, many more police officers in 2015 who have subbed complaints than a year ago, and maybe that's because you're investigating faster and maybe that's because video is more available and maybe what leads one to conclude is the substantiation rate from the beginning of time should have been 30 percent, and what was happening all these years was because the agency took forever in investigating complaints and there wasn't

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video, they were recording substantiation rates of 7 percent, and we should go back and conclude that, in fact, there were 50,000 cops over the last five years that should have had subbed cases or not.

But I'm just saying I don't see that engagement and analytical level here. What I see is too much mindless acceptance of the Police Department narrative. And all the complaints I see, and this is in the report, Mina, they're pointing out that year-to-date complaint numbers are down. What is not mentioned is a quite substantial statistical increase in complaint numbers this month as opposed to a year ago.

I'm not saying that one is more important than the other. I'm saying that you can't pick and choose because you like one category of numbers because it's going in the right direction and ignore another category because for the reason that it's going in a different direction. Enough about that.

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I notice in the report that there's been a substantial decrease in recommended penalties from the agency. This is on page 20. And I'm just going to ask you -- what I'm going to put on the table now and you can talk about it going forward, I have questions. You have quite significantly emphasized the fact that the department is more frequently agreeing with your penalty recommendations, and you treat it as a good thing. I think in the abstract that's a good thing also, but when I look at that table, I see that you pretty much split the percentage of cases that get charges with the potential cases that get instructions. And it is no surprise to me that that's what's really happened, that the department is agreeing with you a lot more because what you are proposing much more frequently is nominal discipline, and indeed I don't consider instruction to be discipline at all.

With respect to the numbers on

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videos, Richard, basically, this is an important point, the table you have here talks about substantiated cases of videos; it doesn't have any numbers for cases of videos. So I can't tell if you've got ten cases in a month or a hundred cases in a month, and I would ask you to include that because it makes it easier for somebody like me to say, O.K., video, in fact, is a big part of it because many of these cases have a video. Well, it's not a big part if a small number have video.

Finally, I would mention one significant omission, and I'm going to write a more detailed letter about it some--the smaller details, but the NYPD dispositional tables seem not to be in here, which is a very important table, and that was a table of what the department has done with all your cases for the month and for the year. It includes such things as the dupes. That table seems to be completely gone, and I

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apologize if I have missed it, but I feel like that was a very important table to give the public a picture of, for year-to-date and for the month, what had happened with all the department dispositions and that doesn't seem to be here.

Finally, what I would say is thank you for getting the rules done. We of course will have detailed written comments about them and talk about them for months.

Richard, I want to thank you for the effort you have made to make the process as public as you have. I think it's been quite important. I don't think you needed to do that and I thank you so much.

EXECUTIVE DIRECTOR MALIK: Just so you know, Chris, the NYPD final penalties for APU cases --

MR. DUNN: I saw that.

EXECUTIVE DIRECTOR MALIK: -- and penalties for allegations imposed by the

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2 Police Commissioner for non-APU cases is
3 on page 25.

4 MR. DUNN: No, I saw that.
5 That's -- those are different tables than
6 the report you used to have. For
7 instance, there's no way -- if you could
8 count these dupes, about ten, counted
9 individually. You had a table that had
10 every single disposition -- all the cases
11 that were closed in a month and every
12 single disposition of all those cases,
13 and that's no longer here.

14 CHAIR EMERY: Duly noted. I
15 appreciate that.

16 We have Rick Robinson.
17 Mr. Robinson.

18 MR. ROBINSON: Hi, how you doing?
19 Hi, Rick Robinson. I'm from the
20 NAACP. We are from Newark, New Jersey.
21 Newark, New Jersey is currently on the
22 way for a CCRB, so the staff, Executive
23 Director Ms. Malik, her departmental
24 leads have been influential involving
25 mentoring me so I can actually bring this

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2 profile to Newark and help out the
3 establishment of a CCRB.

4 I briefly glanced at the latest
5 report for the day, and I actually went
6 over your information that was given to
7 the Board personally. In my opinion and
8 some people in Newark, New Jersey, very
9 impressive. There has been steady
10 growth.

11 When you're dealing with these
12 kinds of serious instances, it's really,
13 really tough, so I will give your Board
14 and you and your staff kudos because it
15 is a very very tough thing to do and
16 just, everyone, you should be very proud
17 of the CCRB and the situations occurring
18 under it.

19 CHAIR EMERY: I'm very proud of
20 the staff and this Board, we are also
21 very proud.

22 MR. ROBINSON: You should be.

23 There is room for growth and I
24 was pretty much informed of that on my
25 first visit and those are things that are

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being worked on, but let me tell you about the situation in Newark, New Jersey. We are currently at 50 percent pertaining to gaining status and, again, I'm leaning on the New York CCRB for any kind of inclusion of help and understanding.

And I heard you earlier today, your explanation for clarity on certain matters, and I have to tell you, you need it, and it was a good review and excellent. So I congratulate you on that.

You had a number of high profile cases recently. I have to give you congratulations on that.

Newark was -- I would say they had an awful Internal Affairs Unit. The Department of Justice did an investigation and a study and pretty much concluded that 500 cases were not recorded in Internal Affairs, so you had some residents who were feeling slighted. There were numerous misconduct issues.

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2 So we feel that it's necessary for a CCRB
3 to be established.

4 And again, I just want to say
5 thank you to Ms. Malik and to your staff,
6 wonderful people and Mr. Emery, you
7 should be very proud.

8 CHAIR EMERY: Thank you very
9 much.

10 MR. ROBINSON: You're welcome.

11 EXECUTIVE DIRECTOR MALIK: Thank
12 you.

13 CHAIR EMERY: Oh, sorry, Jose
14 LaSalle.

15 MR. ROBINSON: If you want me to
16 go again, I'll go again.

17 CHAIR EMERY: Alright. No.

18 Mr. LaSalle, Jose LaSalle. Thank
19 you.

20 MR. LaSALLE: First I want to say
21 I'm not going to sound too friendly like
22 everybody else that's been up here, so...

23 CHAIR EMERY: We don't expect
24 that of you.

25 MR. LaSALLE: So there won't be

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too many thanks or congratulations coming from me, one of the reasons is because -- first, I'm Jose LaSalle, founder of Cop Watch On Patrol, and I've got about 50 to 60 brothers and sisters that I send out, get involved in the community in the five boroughs. We usually go to the precincts where CCRB complaints are high and also to the precincts where we get intel from people in the community that there is a lot of police harassment.

Main objective was just to record everything. We kind of mastered the NYPD Patrol Guide 'cause we feel that that's very important especially with the broken window that Bill Bratton had brought back here and has been implementing. In a community of color, we kind of figure that that would be the broken windows for the NYPD's, so we make sure that they be held accountable, either by us documenting it and exposing it on social media. We have everything on -- we have a very big social media grass roots

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organization, and we make sure that we spread it all around to the point where many officers actually tells us, Please don't put them on YouTube; Please don't put them on social media, which shows that we're doing a lot more work there than the CCRB themselves are doing because when they see us, they straighten up. When they see us, their attitude changes.

And I know that many people on this Board here or anyone on this Board here will never be in the street recording police, will never been in a community of color where they're most affected, so I will never see them there. So for those who get credit for substantiated cases because of videographers, like myself, who put their body on line every single day and other videographers who take it upon themself to say, you know what, I'm tired of seeing this; I'm tired of police officers coming in my community harassing,

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dehumanizing, traumatizing,
criminalizing, brutalizing and even
murdering our brothers and sisters. So
these are the people that's standing up
and that is the only reason that they are
able to substantiate -- that they even
substantiate these claims now. It's not
because of what they doing because what
they've been, they've been doing for a
long time, and to take videographers, for
it to take place like it has now to
substantiate it, I can't give you no
credit for that.

Another thing that I wanted to
share -- I want to lead into my own case,
too. This is a folder I got here of CCRB
complaints, CCRB complaints made by me
and my group of cop watchers, and I'll
get into that in a little while. I'll
tell you a story about that, and with the
contradiction on the side of that.

We feel very upset because of --
I know they've been getting credit from
the NAACP from New Jersey about the James

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Blake issue and these so-called high class cases. We can't give them no credit for that because the simple fact is there's other cases that have been laying on that desk for years which have been substantiated with video and they still laying on y'all desk and that is sad. It only took, what, 28 days, not even 30 days for y'all to look into the James Blake case. Not even 30 days. Nowhere -- I've been trying to find where in the CCRB since y'all been around has any case been looked at that fast. I haven't found it, and if y'all can find it, I would like to get it.

And you know what that tells the community and the people in my community? It tells us that you have to be somebody that is famous, you have to be somebody that is rich, and you have to be somebody that the media is going to go crazy -- you know what I'm saying -- over, because that's what the people wanted. That's how you substantiate the case. And that

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2 brings me to my case.

3 While I was video recording,
4 without the video recording -- these are
5 the bruises that I gained from being
6 assaulted by police. So these are the
7 bruises I gained. I end up being in the
8 hospital for about three days with a
9 concussion, and -- and, they falsely
10 charged me with... One, was jay walking
11 and, two, with carrying -- in possession
12 of a scanner. These cases have been
13 dropped because they was falsified cases
14 anyways, so they werent going anywhere.
15 So they've been dropped.

16 Then I send the information to
17 the CCRB. They had the hospital report.
18 They had the pictures. They had the
19 video of the police officer shining a
20 light at me until the point where the
21 video went dead because I was snatched
22 up, thrown against the fence, and my
23 phone was cracked when it slammed against
24 the floor. So that was given to the
25 Board, and with other -- with other --

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and other evidence, and this is what I
get back from the Board. Alright?

Abuse of authority,
unsubstantiated, and there's video of
this, too. Force, exonerated; force,
again, that's C, exonerated; discourtesy,
unsubstantiated; discourtesy,
unsubstantiated; abuse of authority,
unsubstantiated; abuse of authority,
unsubstantiated; abuse of authority,
unsubstantiated; abuse of authority,
officer unidentified. And I gave them
information, I mean, they identified the
officer because I had the information
there, too. Discourtesy,
unsubstantiated; others, other misconduct
on the officer -- failed to prepare memo
of entry required by the Patrol Guide
procedure 212-08, so that was the other
misconduct.

So now -- and I also -- also I
make a request for it to be reopened
because I feel that one, that's a slap in
my face for all the hard work that I do

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in the community when I'm out there putting my life on the line against the police officers who don't really like me because they don't like what I'm doing because I'm documenting them not following the proper procedures and protocol. But then the Blake issue happens, and this, what's funny is that why I'm a show you the competition.

This other case is also about a sergeant who was interfering with me while I was trying to record and send the video. This -- this case, which is on this case, is after this one, and I get thrown in the Blake incident, and this case is the same thing that has happened with his sergeant, this situation here, I was arrested -- falsely accused and assaulted. So in this case, abuse of authority with this sergeant is substantiated and formalized training. And I have so many cases here that they have dismissed, even with video, I mean, maybe it's just against the Cop Watch

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unit that they have something personal, I don't know, I guess that's on them. But, I will be pressing all these cases to be reopened, so that they be on the record, and I will come back and let y'all know they're reopened to keep you updated on what's happening with these cases.

Because the simple fact is if James Blake can get that type of treatment but that we that's out there every single day facing this type of brutality from police cannot get that same respect, not even get that same courtesy, that the CCRB Board should -- the CCRB Board shouldn't even exist. And we want to make sure that you know through my groups, through my brothers and sisters, we'll make sure that we expose everything that we could about the CCRB, what they do and what not they doing, what they taking credit for 'cause they not doing, but they're taking credit for because it's all over. I'm saying they have no problem talking to the New York Post, talking to the Daily

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2 News about how you saying successful
3 they've been, but their success don't
4 come without them who that's out there
5 today.

6 And I'm gonna finish up -- I'm
7 gonna finish up, so I will -- Emery, I
8 will bring these cases and ask for you to
9 reopen them, for one, that should never
10 have been closed. I'll bring that to
11 y'all in the next few of days.

12 Another thing that I want to say
13 is that it is -- it is hard for -- I work
14 with all the parents who have lost loved
15 ones, you know, from Kimani Gray, to
16 Shantel Davis, Reynaldo Cuevas, and Eric
17 Garner family, you know, I work with so
18 many different families, and it's sad
19 that even their cases would sit on their
20 desks for years or for a year, not even
21 -- before they even think about coming up
22 with a decision, and it's sad. And we
23 need to look into that because all these
24 praising -- all these people that's
25 praising these boards see none of that,

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know what I'm saying? All of these people praising the Board -- I mean, praising this Board don't seem realize that they're not representing the community, know what I'm saying? 'Cause you're praising the Board for what they doing, and police brutality is still rampant in my community, then they're not doing anything. Like I said, we do a lot more work than this community board does or would ever do because we're out there in the -- know what I'm saying? -- war with people of color taking place. Like I said, they -- this is farthest they gone. They would not go to my community, ain't none of them will walk one day with me in my community while I'm doing cop watch, to see what I see, know what I'm saying? But, they have no problem checking out my YouTube or looking into the YouTubes of other people to see what's happening out there. No, they have no problem sitting at home and doing that.

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2 And that is something that we
3 need to check, and I will make sure that
4 I keep coming to the Community Board CCRB
5 and keep -- and keep showing the
6 contradiction that exists in the Board,
7 because I'm not satisfied, the people in
8 my community here in the Bronx are not
9 satisfied. Take a look. Take a look
10 who's here. Where is my community at?
11 And even the ones that I said, Come, you
12 have to witness this, you know what they
13 said, they said, I'll stay home and see
14 it live stream. Why would I go and
15 listen to them saying all that crap
16 that's going to go on to, to listen to
17 that Hollywood that they going to show,
18 know what I'm saying?

19 So we have to be very aware, and,
20 like I said, ain't nobody on this Board
21 speak for my community or for the people
22 of color. And all the best. Peace.

23 EXECUTIVE DIRECTOR MALIK: I
24 would just like to address that,
25 Mr. LaSalle. I know that you don't know

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me personally, but I grew up in Corona and Elmhurst and I've spent my entire life serving the public. So I understand what you're saying, and I don't know when your letters were dated, but certainly this agency is for people of all communities, all communities across this entire city.

I don't know when your letters were dated, but if they warrant reopening, certainly my chief of investigations is here right now, Mr. Thomas Kim, and I advise you to talk to him after this meeting is over, and if your cases are warranted to be reopened, believe me, they will be and they will be looked into.

CHAIR EMERY: Josmar Trujillo.

MR. TRUJILLO: I'd just like to -- I wasn't planning to respond to that comment but I'd like to make sure everyone's aware, I'm sure, most people in this community is aware that not every neighborhood, not every community in the

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2 city is policed the same way, so you
3 should acknowledge that before you make
4 your decision.

5 EXECUTIVE DIRECTOR MALIK: I
6 absolutely do. Having grown up in Corona
7 and Elmhurst, Queens, I absolutely do.

8 MR. TRIYILLO: Where do you live
9 now?

10 EXECUTIVE DIRECTOR MALIK: Thank
11 you.

12 MR. TRUJILLO: Where do you live
13 now?

14 EXECUTIVE DIRECTOR MALIK: That
15 is not public information.

16 MR. TRUJILLO: Well, we live in
17 the hood and this is where the police
18 are coming down on us, O.K.?

19 EXECUTIVE DIRECTOR MALIK: I
20 wasn't born with a silver spoon in
21 my mouth.

22 MR. TRUJILLO: O.K. Look where
23 you're at and look where we're at.

24 So, Mr. Emery, last week in the
25 presence of the cop-bashing arm of the

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NYCLU -- I think that's what Mr. Lynch, Pat Lynch called you guys, right? Because he didn't like you guys recommended, like, three days less paid vacation; he thought that was the end of the world.

For the record, I don't think you're cop-bashing, although I know you work for the NYCLU and you're pretty close to Mr. Dunn -- you guys are nowhere near being the label of cop-bashing wing of the NYCLU. What I tell you, in my community, that the Chair of the CCRB's son works in the NYPD under Commissioner Bratton, the cynicism that has already existed around oversight in this city for 20 years, it just goes even further.

When you guys talk about the number of cases you substantiate, I hope you guys realize that the samples that you're working with are like a fraction of the actual interactions that we see in our communities because most of the people in the communities of color are so

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cynical about government agencies, and especially, you know, I know Newark is looking into the CCRB, but I'm going to tell you right now, talk to people who have been around -- talk to Norman Siegel who helped create this agency and he'll tell you this isn't a good model. This is politics. The greatest politics, I think, was explained by Mr. Dunn, to his credit 'cause he said look at what narrative you're putting out to the media, lower numbers of substantiated cases. This is politics.

And everything that you guys do, I hope you understand, looking at the this thing you guys are passing, a resolution about putting cameras into people's homes or bringing them into -- on officers that do home invasions or something, like the debate over body cameras is up in the air. I don't believe in body cameras. And people, activists, even the NYCLU or some of the other civil liberty groups, they're not

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2 sure about the surveillance side of body
3 cameras. And you guys are taking a
4 political position, going out and saying
5 we want body cameras.

6 Where is that footage going to be
7 stored? Are the police going to use that
8 footage to police the community? Further
9 criminalize us? It's a two-way -- like,
10 you guys take these positions and you
11 spread them out there and you say we're a
12 completely objective oversight agency.
13 But the politics are obvious. They are
14 obvious. When I found out you and
15 Bratton are friends when you were first
16 here -- and this is not a personal
17 slight, but this is just what we see --
18 it's cronyism. It's in front of you.
19 It's what we see when we think -- this
20 year, I've made the last few meetings and
21 I'm definitely going to be making more of
22 them and enjoy some quality time with the
23 City Council who had added 1,500 cops --
24 we've been kinda harassing them about
25 that.

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2 But the more and more that we
3 come here and we see you take these
4 positions, and I'm not even talking about
5 the bean counting that's coming up
6 here -- I don't want to see that -- I
7 can't even -- you know, I don't have the
8 attention span for it. I'm talking about
9 the positions that I see you guys out
10 there and you guys are asking for body
11 cameras on home invasions without any
12 debate, we're -- we're -- I mean, we're
13 losing, and this is just me, you know, I
14 don't even going to pretend to speak for
15 everybody; everybody is entitled to their
16 opinion, but I'm losing more and more and
17 more faith that this is nothing more than
18 just an appendage to the NYPD to make it
19 appear like there's oversight.

20 And I'll ask you one last
21 question because I remember -- I remember
22 this clearly, this is what ticked me off,
23 you said, Mr. Emery, you said at one
24 meeting, you said if it were up to you,
25 and this is regardless of what's in the

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2 to answer that question?

3 CHAIR EMERY: No, not right now.

4 I've been through this before and
5 there's no reason to answer a question.

6 Shannon Jones.

7 MS. JONES: Good evening. My
8 name is Shannon Jones, and I'm the
9 cofounder of the Bronxites for NYPD
10 Accountability, affectionately known as
11 Why Accountability. Since the chokehold
12 death of Eric Garner in July of 2014, we
13 have engaged in community activism in the
14 form of direct confrontation with the
15 police commanders in the precincts in
16 order to address police brutality
17 conduct, misconduct and operational
18 terrorism taking place in our
19 communities. That's for the benefit of
20 those that are not familiar with me.

21 The Board is certainly familiar
22 with me because I've appeared here
23 several times and I make it a point to
24 try to come as often as I can in order to
25 speak on behalf of the community that I

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2 live in and entrust me to represent them
3 here every month.

4 So I just want to, before I begin
5 what I planned to say, I'd like to take a
6 moment to address what I heard so far.

7 The gentleman who has come to us from
8 northern New Jersey, I appreciate every
9 opportunity that communities have to take
10 control over the Police Departments
11 throughout this country, but I give you
12 fair warning. If you choose to use the
13 New York City CCRB as a framework and as
14 a model, it's a recipe for disaster.

15 Don't do it.

16 Ras Baraka is certainly in tuned
17 in his community at large and is aware of
18 this community and certainly has the
19 skill in order -- will meet with anyone
20 in Newark, New Jersey in order to put
21 together a Civilian Review Board that
22 would be effective, that will have teeth,
23 and that will work with the community
24 residents at large. So you can weigh
25 that in with what you have experienced

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2 with the Board and with what the
3 community is telling you, and as a member
4 of the community, I strongly advise
5 against that. Use the skill that you
6 have in your own town to build something
7 for your people of color that you can be
8 proud of, that would not continue to move
9 forward in the areas of operational
10 terrorism, and I'm here once again to
11 state formally on the record, because
12 that's what goes on here.

13 O.K., and also, secondly, when
14 communities come here and speak to the
15 Board, everything doesn't always warrant
16 an answer. Sometimes things just need to
17 hang a little bit, out of respect for
18 people who come in, out of respect for
19 people who are watching live stream or
20 maybe even tomorrow, and I hope this will
21 not be a pattern going forward where
22 questions are directed specifically to
23 Mr. Emery, but they have to be answered
24 by our members of color on the Board. My
25 recommendation to you, people of color,

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1 let it be. You being from the hood at
2 some time in the past, there's no
3 relevance to your position on the Board.
4 It does not appease the communities that
5 get dragged out of their cars on cell
6 phone camera, the communities that get
7 ticketed a hundred dollars for a \$2.75
8 jump on the turnstile; it doesn't
9 benefit us. It doesn't show the Board
10 that you have pompons out, that you are
11 a rah-rah-sis-boom-bah. It's something
12 that communities of color have borne for
13 two, three and four hundred years, and
14 there's always a person of color that
15 has to stand up and justify and give
16 reasons for and objections to other
17 people of color experience

18 And I'm a professional woman, I've
19 learned long ago never to do that,
20 because at the end of the day, it
21 will be your own people dragged out of
22 cars, excessively ticketed, shot,
23 murdered or called abusive names.

24 Although your paycheck may allow
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2 you to move from it, we'll not allow you
3 to come in and make excuses for a white
4 supremacist organization that continues to
5 brutalize, terrorize and murder in our
6 communities.

7 So with that said, I will go on
8 to my topic for discussion.

9 First and foremost, I've had an
10 opportunity -- first and foremost, I
11 would like to say that I did have the
12 opportunity to review the September 2015
13 statistical report.

14 Once again, the CCRB fails
15 miserably to cite the statistical issues
16 that I continue to bring to this Board.
17 Again I ask, should I choose to follow a
18 substantiated case with APU charges to an
19 APU court, where does that document tell
20 me where I need to be? I see that
21 there's a substantiated chokehold in
22 2015, September, what is the case number
23 for that case? Where does it
24 correspondence to the APU trial calendar
25 in order for me to be present and have a

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2 voice and stand up for our communities?

3 This is the type of cloak and
4 dagger, sir, that you in New Jersey I
5 hope that you do not do. If you take the
6 time now to review the statistical
7 reports for a period of time, in, say,
8 approximately nine months, ten months,
9 you will see that critical statistical
10 information has been absent from those
11 reports, such as the substantiated cases
12 by precinct and by borough, the mediation
13 by borough, and my request last month, I
14 see it added back but it's still cloaked
15 in missing information. That still does
16 not allow our community to fully and
17 completely engage in the civilian
18 complaint process.

19 We are still cloaked and shielded
20 from the civilian complaint process.
21 That must mean that the communities in
22 the 41 Precinct, the 40 Precinct, the
23 47 Precinct, the 46 Precinct, the
24 42 Precinct are not allowed to be present
25 at APU trials for substantiated charges

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in their own communities. And I come here out of my own way and spend my own time, and it is at this point a joke. I don't know whether I'm on Saturday Night Live, Mad TV or some type of skit, because for you as a Board to sit there with dignity every month in front of us and think that you are doing a good job, it must be a joke. Ashton Kutcher may run out and tell us all that we are being punked, because you have to do better than this. And I could not come here every single month asking for information that you already hold, that is already available to you, that for whatever reason you refuse to provide to the community, though why after we saw that chokehold for a broken windows offense or an alleged offense the community is actively engaged in putting a stop to police brutality.

We want to identify the officers that are in our communities and get transferred to other hood communities to

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2 say, "No, you won't be here. You are
3 here, but you won't be here." But if I
4 can't be present at an APU trial, I won't
5 know who that is, and I have to rely on
6 who, the police commander, the police
7 lieutenant, the XO, who continually and
8 continually disrespect us and lie to us
9 month after month, year after year,
10 decade after decade?

11 Just today, the police department
12 got busted creating its own parking lanes
13 on Schemerhorn Street. They bought white
14 paint and pretended to create their own
15 parking lanes in the bike lane. What's
16 the big deal about that? But you know
17 what that is? That is the manifestation
18 of the NYPD feeling that it has to obey
19 no rules; no rules apply to them. They
20 don't have to respect anyone: They bike
21 ride on the street, the pedestrian
22 walking, the Department of Transportation
23 that my tax dollars went to stripe those
24 bike lanes down and you gonna come with
25 your own paint from Home Depot and write

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2 "cops" on the street so you can park
3 freely as you choose?

4 A lady came to the 46 Precinct
5 one year ago to complain that the Police
6 Department parks on her curb, on her
7 sidewalk, breaking down her sidewalk. A
8 year later they are still doing it on the
9 side of the 46 Precinct. This is what
10 this Board has allowed them police to do
11 with the toothless pandering to the
12 Police Department.

13 Last month I came here on a
14 Wednesday. The following day I had
15 expectation, after following the
16 democratic process, that, as the precinct
17 community guidelines prescribed in terms
18 of attendance and conduct, to be elected
19 as the recording secretary of the PSA-7.
20 I attended the September meeting, the
21 October meeting, the November meeting,
22 the December meeting, the
23 February meeting, the April meeting,
24 participated in a vote and did the
25 democratic process, have the commander

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2 inform me that I was excused from my
3 duties. Because again, I say, the NYPD
4 is an inherently corrupt and racist
5 institution, and only wants to put in
6 place in precinct council boards people
7 and I will use my own precinct as an
8 example, the vice president didn't even
9 know what the word "abstention" meant for
10 the vote for my removal.

11 These are the type of people that
12 precinct commanders prefer to be in place
13 in our communities because they will
14 cheerlead, they will dance, they are
15 ill-informed and they kowtow. I have
16 said this for one year and I will
17 continue to say it, and I would hope that
18 going toward that is my request every
19 month that I come here, that you guys do
20 the very best you can with the
21 information that you have, and I'm
22 speaking to the people of color. Because
23 I'm not too far from where you are, and I
24 said that numerous, numerous times.

25 It is weary and it's been a weary

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fight since the days of slavery, but we shall not give up. We shall be present, we shall be engaged, we shall confront and we shall expose, even if it means you.

Those videos that are present every month on YouTube that show the PSA-5 shining lights in people's faces; that's a discourtesy, that's a misconduct. You have a First Amendment Constitutional right to record any police activity in the public's sphere, any police activity investigation as long as it is a safe distance away from said investigation. Police Departments in the City of New York continue to violate those rights. Body cams won't do it. The control is within the community. The control will remain within the community, and I made it my mission to ensure that the communities take control of the NYPD, because they're out of control. Completely out of control.

I have watched the transit bureau

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of the 40th Precinct for the entire
summer conduct covert investigations
against people entering the trains in the
transit system daily for which I have
pictures and video. They lay behind
columns, they lay in doorways, they hide
behind fare machines. If you want to
deter fare-bearing, stand in plain sight.
Be proud to serve in your position. Do
not extort communities of color for a
hundred dollars when the fare is \$2.75.
I get on the train every day at
Bowling Green. Police officers are in
plain sight. If I use the Wall Street
station, police officers are in plain
sight. Why are they cloaked and why are
they hiding in stations in communities of
color? Because, as we saw in Ferguson,
communities of color support the
economies of cities through excessive tax
fines and summonses. We know that
already, and we are exposing it.
And as long as the CCRB does not
take an active role in calling out that

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nonsense, I will be here every month to expose you. And I will respectfully request that the members of color do not back up her comments. Can you do at least that for me?

Thank you very much.

CHAIR EMERY: The Executive Director's report.

EXECUTIVE DIRECTOR MALIK: First of all I'd like to thank Lauren Click, the Director of Community and Public Programs at the Bronx Museum of the Arts, for assisting us in being here tonight.

I will discuss some matters pertaining to the operations of our Agency and provide you with highlights from our monthly statistical report. For a full review of the statistics, please visit our website.

The year-to-date, civilian complaints have decreased by 15 percent, from January to September 2015, CCRB received 3,289 complaints compared to 3,857 complaints in the same period in

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2014.

By category of allegation year-to-date, discourtesy complaints have decreased by 25 percent, force complaints by 16 percent, offensive language complaints by 19 percent and abuse of authority complaints by 7 percent.

I want to direct -- all of you -- your attention to the screen here because we do have some slides to illustrate the statistical analysis that we've done this month. From January to September 2015, the agency has received a monthly average of 365 complaints compared to an average of 429 complaints for the month in the same time of year last year. In September the CCRB opened 401 new cases, which is down from 433 in August, however up from 345 in September of last year.

In September the CCRB's total open docket is 1,195 cases. By the end of September, 655 of these cases were in the Investigations Division, representing 54 percent of the total, down from 670 in

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August. Of the total docket, 370 cases were pending Board and/or Executive Staff review; that represented 31 percent, down from 477 cases pending review in August.

The mediation program handled 170 cases, representing 14 percent of the open docket, up from 150 cases in August, and there were an additional 11 cases on D.A. hold in September. The CCRB continues to close its cases more efficiently. Of the cases that remain on the CCRB active docket, 91 percent have been open for four months or less, and a record 98 percent have been open for seven months or less. Continuing the trend from August, these docket numbers continue to be the best docket numbers since the creation of the office as an independent agency from the New York City Police Department.

Our investigators closed 1,689 full investigations from January through September 2015, compared to 1,444 for the same period last year and resulting in

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17 percent more full investigations.
Year-to-date, the average case to full investigation has decreased 27 percent, from 2014 before the reforms to 2015.

In 2015 the fully resolved -- the case -- the CCRB has fully resolved more cases than it has truncated. This reverses a negative trend from the previous years in which more cases could not been fully investigated because the complainant or victim withdrew the complaint, was uncooperative, unavailable or unidentified. In September the CCRB fully investigated 52 percent of the cases it closed and mediated or attempted to mediate and additional 6 percent. In September, 39 cases were truncated versus 56 in August, representing a 17 percent decrease. The CCRB continues to work to lower the number of truncations.

We continue to increase interviews outside of the CCRB offices in lower Manhattan in order to provide easier access to the community.

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Year-to-date our investigators have interviewed 2,018 complainants and witnesses, 1,813 of these were interviewed at the CCRB and an additional 205 were interviewed at other locations. This means that we've conducted 10 percent of the interviews at other locations, which is a steady increase in interviews conducted outside of the CCRB offices from 8 percent in 2014, 7 percent 2012 and 2013, and only 4 percent in 2010.

The September, 2015 case substantiation rate is 29 percent; it's the highest in CCRB history. September marks the sixth straight month that the CCRB has substantiated more than 20 percent of its cases that it fully investigates. In comparison, the case substantiation rate was 17 percent in September 2014, the CCRB also substantiated 17.4 of its percentage of allegations, which is also the highest percentage in recent CCRB history.

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With regard to fully investigated allegations in September, the Board substantiated 5 percent of force allegations, 24 percent of abuse of authority allegations, 19 percent of discourtesy allegations, and 12 percent of offensive language allegations. Investigations using video evidence substantiated allegations in 51 percent of the cases compared to 22 percent of substantiated cases in which video was not available. In September the substantiation rate was 97 percent for 34 cases in which police misconduct was substantiated by the Board and sent to the Police Department Advocate's Office for penalty recommendations. The department's decline-to-prosecute rate for this time period was 3 percent. The discipline agreement rate was 76 percent for these 34 cases in which the Police Commissioner communicated a decision in September.

In September the police

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commissioner finalized verdicts against 31 officers, 19 of these were guilty verdicts, one by the CCRB Administrative Prosecution Unit, which prosecutes the most serious allegations of misconduct. The APU has conducted trials against 99 respondent officers year-to-date and trials against 13 respondent officers in September.

The new monthly report now contains a table of contents, glossary and appendix, and it's all meant to assist the public in navigating the report. In response to feedback from Community Member Shanon Jones, who is here with us tonight, and other members of the public the monthly report has been modified. It now includes a breakdown of complaints by precinct and borough of occurrence on pages 14 to 16, as well as Board substantiation by precinct and borough of occurrence on pages 22 and 21. Additionally, penalties for allegations imposed by the Police Commissioner for

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non-APU cases according to borough,
precinct and FADO-type allegations can be
found on pages 25 to 27. And we have
also included a disposition information
for other unsubstantiated, exonerated,
and unfounded allegations separately on
pages 10 to 14 of the report, and as we
go forward, we'll make certain
modifications more so for the public.
Thank you.

CHAIR EMERY: Thank you.

Joe, do you have a comment?

MR. PUMA: Yes. Thank you for
describing so well the issues in the
report.

I guess one suggestion that I
heard at a recent meeting that Ms. Jones
had been at, it was of particular
interest to me, and I'm wondering if we
could internally discuss it (inaudible),
distinguishing complaints against
plainclothes officers and uniform
officers. I thought that was very
interesting suggestion and could be

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2 helpful to present and for us to
3 understand as members of the Board.

4 CHAIR EMERY: Thank you, Joe. It
5 makes a lot of sense.

6 Any further comments?

7 (No response.)

8 CHAIR EMERY: O.K., so any
9 committee reports?

10 BISHOP TAYLOR: Yes.

11 CHAIR EMERY: Thank you.

12 BISHOP TAYLOR: Well, as you know
13 Outreach has been very busy and they've
14 been aggressively trying to fill all the
15 positions that we have open to expand our
16 Outreach. I will first say that we do
17 have two of our new Outreach persons
18 here, Sylvia and Gregory, and both of
19 them are fully trained on presentations
20 and have already gone out and have been
21 very successful.

22 Our -- we decided to take a step
23 back as we were interviewing for the new
24 members of the Outreach team, so our
25 average of 25 presentations per month has

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kind of dropped to ten per month over the last five or so months so that they could reorganize and restrategize for the launch of this new initiative that way.

We're still on track with a lot of initiatives. Several new initiatives that I will mention involve going to police roll calls, Police Precincts and Council meetings, we've actually done 20 of those meetings already, NYCHA meetings, the TA President Association. We've done seven. We're also collaborating with the ARCHERS probationers so that we can do Outreach there.

We're doing Outreach to the homeless community and we have already completed an Outreach to that community and also five events completed with the LGBTQ community, some of the things that we mentioned in the previous reports. I'm just highlighting them now cause they have actually been completed since that last report.

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CHAIR EMERY: Any opposed?

(No response.)

CHAIR EMERY: Thank you all for
coming.

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CERTIFICATE

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

I, KATHLEEN T. KEILTY, a
Certified Shorthand Reporter and Notary
Public within and for the State of New
York, do hereby certify:

That the foregoing transcript is
an and accurate transcription of a
video recording, stenographically
transcribed by me, to the best of my
ability, as amended.

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 7th day of
November, 2015.

KATHLEEN T. KEILTY, C.S.R.

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