

Civilian Complaint Review Board-Draft
December 9, 2015

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CIVILIAN COMPLAINT REVIEW BOARD

PUBLIC MEETING

December 9, 2015

6:30 p.m.

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100 Church Street
10th Floor
New York, New York

TRANSCRIPT OF PROCEEDINGS

B E F O R E:

RICHARD D. EMERY, ESQ., CHAIRPERSON

MINA Q. MALIK, ESQ., EXECUTIVE DIRECTOR

Reported By:

Therese L. Sturges

PUBLIC MEETING AGENDA:

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1. Call to Order
2. Adoption of Minutes
3. Report from the Chair

* Request by PD to be informed of
voting decisions

Civilian Complaint Review Board-Draft
December 9, 2015

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PUBLIC MEETING AGENDA (Continued)

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5. Report from the Executive Director

* Monthly Report

6. Committee Reports

* Mediation Report

* Outreach Report

7. Old Business

8. New Business

Civilian Complaint Review Board-Draft
December 9, 2015

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BOARD MEMBERS PRESENT:

Richard D. Emery, Esq., Chairperson

Lindsay Eason, Commissioner

Youngik Yoon, Esq., Commissioner

Salvatore F. Carcaterra, Commissioner

Janette Cortes-Gomez, Esq., Commissioner

I. Bennett Capers, Esq., Commissioner

Joseph Puma, Commissioner

Bishop Mitchell G. Taylor, Commissioner

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Mina Q. Malik, Esq., Executive Director

Civilian Complaint Review Board-Draft
December 9, 2015

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Proceedings

CHAIR EMERY: Are you ready?

Good. Thank you.

December meeting of the Civilian Complaint Review Board. Sorry we are --we had to change locations, because to get a quorum tonight, we had to make it more convenient for everybody in this crazy December period. So that's why we're here. Unless things change for some reason that the Board determines, we're going to go back to having our meetings in communities throughout the City starting in January, but we'll announce that in due course.

Anybody can move the minutes here.

COMMR. CAPERS: I move them.

CHAIR EMERY: Second?

COMMR. CARCATERRA: Second.

CHAIR EMERY: Any opposed?

(No response.)

CHAIR EMERY: Okay. The minutes are adopted.

I have a very brief report, and it's only really one issue that's come up

Civilian Complaint Review Board-Draft
December 9, 2015

5

1 Proceedings

2 that -- we have an Executive Session
3 tonight, which we'll talk about some other
4 issues, but this is an issue that
5 should be discussed in public, and that is
6 the Police Department has made a request of
7 us that, when we decide cases as panels,
8 the voting sheet be provided along with the
9 information of the result of the panels in
10 subbed cases. In other words, they want to
11 see and they want to be able to study and
12 they want to be able to look at who on
13 this commission, who on the Board, voted
14 in which way on any particular case that
15 was subbed.

16 And I, quite frankly, don't have
17 a problem with it at all. I think that
18 it's probably something that should be
19 transparent to the greatest degree
20 possible anyway, and if they want to look
21 at it or if they want to do whatever they
22 want with it, that's not a violation of
23 50-a. They're entitled to it where the
24 public may be entitled to it if a
25 particular case is made public by an

Civilian Complaint Review Board-Draft
December 9, 2015

6

1 Proceedings

2 attorney or by a complainant. And that
3 information is not now, I don't believe,
4 given to complainants, but that's
5 something we can discuss separately.

6 It does seem to me that, if
7 we're going to give it to the Police
8 Department, we should probably also give
9 it to complainants. But, that's an issue
10 that we -- I'm bringing before you because
11 I have not particularly strong views one
12 way or the other. I do think the most
13 amount of transparency that we're allowed
14 to provide, the better.

15 So, I have no problem giving it
16 to the Police Department and I have no
17 problem providing it--the information
18 where we sub a case to complainants as
19 well. I guess we could also think about
20 providing it where we don't sub a case to
21 complainants. The Police Department could
22 have it also if they want, but they
23 don't -- they're not interested in cases
24 that aren't subbed. So we just end up
25 being transparent to the parties that have

Civilian Complaint Review Board-Draft
December 9, 2015

7

1 Proceedings

2 an interest in this issue and to whom
3 we're allowed to communicate under 50-a
4 the voting patterns of the CCRB in
5 particular cases.

6 COMMR. CORTES-GOMEZ: So just to
7 be clear --

8 CHAIR EMERY: Yeah?

9 COMMR. CORTES-GOMEZ: -- it would
10 just be the names of the Commissioners who
11 compose a specific panel?

12 CHAIR EMERY: That's right, and
13 how each voted and whether there were some
14 comments in write --

15 COMMR. CORTES-GOMEZ: That was my
16 question.

17 CHAIR EMERY: It would be the
18 voting sheet. I think the voting sheet --
19 no, I don't think there -- the voting
20 sheet, all they really -- actually, all
21 they asked for is the votes. They did not
22 ask for the comments.

23 COMMR. CORTES-GOMEZ: Okay.

24 CHAIR EMERY: So I shouldn't say
25 that out of school. I think we would

Civilian Complaint Review Board-Draft
December 9, 2015

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Proceedings

provide them with the voting of each
particular Commissioner of each --

COMMR. CAPERS: So, Richard --

CHAIR EMERY: Yeah?

COMMR. CAPERS: Can you elaborate
on what information you have about why the
NYPD wants this now, considering the long
history of them not asking for this
information and this information being
treated confidentially? And the reason
I'm a little bit reluctant, what we do is
analogous to deliberating, and the
tradition of juries deliberating is they
deliberate in secrecy. There's a long
tradition behind that. So I would be sort
of reluctant to, sort of, break with that
tradition absent a strong reason.

CHAIR EMERY: Well, they didn't
provide a strong reason, but I must say, I
think their reason is they
want to see who is voting which way, and if
there are patterns in particular cases, how
particular board members are voting with
respect to different types of allegations.

Civilian Complaint Review Board-Draft
December 9, 2015

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Proceedings

And I think we are going to -- we're doing that at some level internally and I don't think there's any great mystery to it.

I don't quite analogize it with juries. Juries are citizens who are drafted for this, for their service -- often against their will, and they have -- and there is a mystery to that that isn't, I think, the same as public officials, which is what we are, exercising authority on behalf of the City.

And I think, to the greatest extent possible, to the greatest extent that the state legislature allows under 50-a, transparency is what we should be engaging in to the greatest degree. And this is just one more thing that tends towards transparency, even though if we give it to the Police Department, it isn't going to become transparent. But if we give it to the Police Department, my view is we give it to complainants. And if it goes to complainants, that does support the policy of transparency.

Civilian Complaint Review Board-Draft
December 9, 2015

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Proceedings

COMMR. CAPERS: So just getting back to the Police Department, the question has to be asked --

CHAIR EMERY: Right.

COMMR. CAPERS: If they want the information so they can look for patterns, then the next question is: And what do they do once they find patterns? So, what's the intent of knowing the identity of commissioners and how they voted?

CHAIR EMERY: Well, I think probably it affects Sal and Lindsay and Debbie more than it affects any of us, because they are appointed. And if they think their own police appointees are not doing a great job or they're doing a great job, they can decide whether they reappoint them as opposed to --
Hi, Yoon. Good. Glad you made it.

COMMR. YOON: Yes.

CHAIR EMERY: Do we have a place for Yoon and --

COMMR. YOON: It's okay.

Civilian Complaint Review Board-Draft
December 9, 2015

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Proceedings

CHAIR EMERY: No, no. We want to make sure -- Brian, can you take care of putting something up for Yoon and there's a microphone too?

Okay, thanks.

So I can't tell you that I see any particular compelling reason, but on the flip side, I feel like there is no reason not to do it. And when something has a reason, for me at least, and I'm not -- I don't want to -- I really want this to be whatever the conscience of each of you is to vote this, what our policy should be. And I see no reason not to do it, and therefore, I would -- I tend to favor doing it. But if we do it for the police -- for the PD, we should do it for complainants.

COMMR. TAYLOR: Mr. Chair.

CHAIR EMERY: Please.

COMMR. TAYLOR: Historically there has been some reasoning centered around why we were not sharing the voting sheets with PD. And since I've been a

Civilian Complaint Review Board-Draft
December 9, 2015

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Proceedings

board member, there's been --

CHAIR EMERY: Yeah, please, I'd love to have that history.

COMMR. TAYLOR: And -- yeah. You know, I don't know -- I can't cite the exact case and note, but we've had some conversations about this and it's always kind of resulted back in it being an anonymous voting, and the PD or the public wouldn't have access to that. I would like to see if we could --

CHAIR EMERY: Do you remember when this was and what context?

COMMR. TAYLOR: Well, I think that it would probably be good if someone could do some research, look back into the minutes, or maybe if there were some notes made over the last several years about this conversation. And I know that Commissioner Kuntz at that time -- Judge Kuntz now -- had some strong feelings about that, was very verbal about that. So I think if we looked back and researched that, we can find out what the

Civilian Complaint Review Board-Draft
December 9, 2015

13

1 Proceedings

2 reason was behind that architecture.

3 I know that there were instances
4 where notes were not -- people weren't
5 comfortable with writing notes that would
6 be memorialized because they were fearful
7 that maybe they may be targeted or looked
8 at in a different light or, like you said,
9 you said this impact would probably fall
10 more on the PD appointees, and thus,
11 tracking patterns would make the Police
12 Department replace them. So, hence, the
13 reason why I think the anonymity is very
14 important to the fairness of the process.
15 So, I mean, you kind of answered my
16 question by making that statement.

17 CHAIR EMERY: Well, I'm
18 speculating about that. At the same time
19 as we did some research, we could ask them
20 for their specific reasons about why -- to
21 articulate them in a request. My reaction
22 to it is simply there's been too --
23 there's too much secrecy that involves our
24 processes from beginning to end, in my
25 view. Lots of them have to be private and

Civilian Complaint Review Board-Draft
December 9, 2015

14

1 Proceedings

2 confidential, obviously, but there is a
3 lot -- 50-a is a very profoundly -- it
4 inflicts a lot of secrecy on our process
5 and a lot of government processes that
6 other states don't have. And my feeling
7 is, the more open we are, the more effect
8 we have in gaining the credibility of the
9 public and of police officers. And my
10 feeling is, is that this is just one tiny
11 piece of openness and I, quite frankly,
12 don't think there are a lot negative
13 consequences. I mean, we could always
14 shut it down if anything occurred.

15 COMMR. TAYLOR: But think about
16 this.

17 CHAIR EMERY: Yeah.

18 COMMR. TAYLOR: You said also,
19 you know, and I know I heard you say this
20 clearly, we might as well release it to
21 the public as well, because you know --

22 CHAIR EMERY: Well, to the
23 complainants. We can't release it to the
24 public.

25 COMMR. TAYLOR: Complainants.

Civilian Complaint Review Board-Draft
December 9, 2015

15

1 Proceedings

2 Well, once you release it to PD --

3 CHAIR EMERY: Yes?

4 COMMR. TAYLOR: -- you're
5 releasing it to the public.

6 CHAIR EMERY: Well --

7 COMMR. TAYLOR: Because --

8 CHAIR EMERY: Yeah?

9 COMMR. TAYLOR: -- you know,
10 you've seen confidential documents that
11 have gone to the Police Department and
12 even our agency that have been leaked.

13 CHAIR EMERY: Mm-hmm.

14 COMMR. TAYLOR: Those are things
15 that, you know, journalists and reporters
16 would like to get their hands on to
17 analyze and see how -- and if they want to
18 highlight a particular case and cite a
19 particular board member, I think that
20 might act counterintuitive in terms of
21 people wanting to even serve under that
22 kind of spotlight.

23 CHAIR EMERY: Well, you know,
24 these are all good thoughts. I'm happy to
25 put this over to the next meeting if you

Civilian Complaint Review Board-Draft
December 9, 2015

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Proceedings

think that that's the best way to proceed
and do a little research.

Yes, Yoon?

COMMR. YOON: I do not have any
position on either side, but I do remember
that we had some kind of issue like this
raised before in previous, you know,
administration. And I remember one of the
board members comparing the -- it to the,
you know, the parole board, why parole
board has to remain anonymous, because,
you know, they get blamed all the time.
So, we are created in some way to be, you
know, blamed. So I'm not thinking
whether, you know, it's right or wrong,
but I remember that one of the arguments
against it was that.

CHAIR EMERY: I see. Well, I
mean, my view is that there's been too
much secrecy of all types in this agency
in the past, that one of the things that I
think we're doing now is, this whole board
and Mina and the executive -- the staff is
opening this whole process up as much as

Civilian Complaint Review Board-Draft
December 9, 2015

17

1 Proceedings

2 possible, and this is one of the ways we
3 could open it up, which I think is a good
4 thing. But -- so I don't --

5 COMMR. YOON: I'm just saying for
6 argument.

7 CHAIR EMERY: -- take a lot from
8 precedent, but...

9 COMMR. CAPERS: So can I follow
10 up?

11 CHAIR EMERY: Please.

12 COMMR. CAPERS: So two additional
13 concerns. I mean, it seems to me that, at
14 a minimum, we should be asking for more
15 transparency from the NYPD first before we
16 start, sort of, being more transparent
17 toward them.

18 CHAIR EMERY: In what respect?

19 COMMR. CAPERS: Whatever way we
20 can think of. Whatever way we can think
21 of.

22 And second of all, if we are
23 going to go to the step of providing
24 voting sheets to the NYPD and then you
25 said turn that over to complainants, then

Civilian Complaint Review Board-Draft
December 9, 2015

18

1 Proceedings

2 how do we justify just turning over subbed
3 cases to complainants? Why wouldn't the
4 next step be unsubbed cases with our names
5 on them?

6 CHAIR EMERY: I would also turn
7 over unsubbed cases.

8 COMMR. CAPERS: So I definitely
9 wouldn't want --

10 CHAIR EMERY: And you have a
11 concern with that?

12 COMMR. CAPERS: I definitely
13 wouldn't want complainants seeing that
14 I've unsubbed cases with my name on it.

15 CHAIR EMERY: Well, okay, but
16 they know the whole board has.

17 Okay. I mean, there are any
18 number of permutations to this. If the
19 Board thinks that unsubbed cases should not
20 keep names, it still could turn over subbed
21 cases to both the PD and complainants. So
22 that could be carved out, I suppose.

23 COMMR. CAPERS: Okay.

24 CHAIR EMERY: I'm not -- again,
25 I'm not -- I haven't felt that this is

Civilian Complaint Review Board-Draft
December 9, 2015

19

1 Proceedings

2 completely thought through. I just -- my
3 instinct is to get as much information out
4 about our processes as possible.

5 COMMR. TAYLOR: But can I follow
6 up on --

7 CHAIR EMERY: Sure.

8 COMMR. TAYLOR: -- Bennett's
9 comment too?

10 I mean, I think that it is kind
11 of -- there is some irony behind
12 transparency. I mean, how much, you know,
13 secrecy are you really talking about in
14 terms of the history of this organization?
15 But, I mean, transparency, asking us for
16 more transparency without violating
17 complainants and violating witnesses and
18 things of that nature, I think, yeah. I
19 mean, that's the reason why I've been
20 talking for years, let's take these
21 meetings out to the boroughs and to the
22 public and do it at a time when people can
23 "really" attend.

24 So -- but, I mean, yeah,
25 transparency is on both sides. I think,

Civilian Complaint Review Board-Draft
December 9, 2015

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Proceedings

like Bennett said, this is a good opportunity. As they're asking us to research things, there are things that we asked for -- and I can go back in my notes and pull those up -- where they said, No, we can't give you that because of this and that, that and the third.

So, I mean, I think that maybe this is a chance for us to really look at, you know, can we release that, what are the ramifications and what do we want in terms of -- in exchange to have a better open, transparent process.

CHAIR EMERY: Well, I can think of one thing off the top of my head that we're in the middle of that I'm not going to talk about now because it's not -- we're not in the middle of -- we're in the middle of developing something. So you're right, I agree. There's some kind of -- there is maybe a negotiation to have here that would be worth having.

So I'm happy to put this off and think -- and do some more research into

Civilian Complaint Review Board-Draft
December 9, 2015

21

1 Proceedings

2 it, see if the staff can get the history,
3 if that's the Board's...

4 Lindsay, Sal, do you have views
5 on this, since your heads are on the
6 chopping block?

7 COMMR. CARCATERRA: This is the
8 first that I've heard of it.

9 CHAIR EMERY: Right.

10 COMMR. CARCATERRA: However, that
11 being said, and based on -- since I'm
12 here, and what you and Mina with the
13 organization are trying to do -- and,
14 again, it is my head, but I look at it
15 this way, if anybody here that's voting on
16 a case and we've done the job we're
17 supposed to do, whether you like my
18 decision or not, I'll show it to you and
19 I'll -- I can defend my decision. Why we
20 wouldn't show that, whether it's subbed or
21 unsubbed, I don't understand it, but I have
22 no issue with that. I think it's actually
23 a good thing for the organization.

24 They're not going to -- nobody's
25 going to like every decision, like no one

Civilian Complaint Review Board-Draft
December 9, 2015

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Proceedings

does. However, if we did it the way we're doing the cases and, you know, you do your homework and you look at all the sides and you come to your decision, that's it. You should be able to defend your decision. So I don't have any problem with that.

COMMR. EASON: I'm all for transparency also, transparency first and foremost. I would have liked to have known about this in advance, you know, to have some more time to think about it. And I just think I don't want it to have unintended consequences. So I think it should be laid over for further consideration.

CHAIR EMERY: I think that's completely fair. I didn't want to -- I wanted to have an open discussion about it.

COMMR. EASON: Yeah. And I support --

CHAIR EMERY: So I'm happy to lay it over and do some thinking about it, and everybody can -- and even see if I can

Civilian Complaint Review Board-Draft
December 9, 2015

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Proceedings

get something in writing, or at least something that I can report to the Board about the reasons the Police Department wants it and what they would be doing with the information.

All right?

COMMR. PUMA: Also, I just wanted to add.

CHAIR EMERY: Yes. Sure, Joe.

COMMR. PUMA: I'm reluctant about this, actually. And transparency is a term that we've been using in this discussion, but I think another term to bring up is the term independence, right? We are an independent agency that reviews these cases, and so I think that needs to be brought into the discussion because I think sharing voting sheets, for example, with the Department may contribute to an opinion that the Agency is not independent and the commissioners could be influenced in future cases.

CHAIR EMERY: Well, I see the point at some level. But we, of course,

Civilian Complaint Review Board-Draft
December 9, 2015

24

1 Proceedings

2 share the results with them anyway and
3 they know that the Board as a whole is
4 responsible for the results, so all it
5 does is dissipate the responsibility for
6 the results by not saying who the
7 particular people are on that particular
8 decision.

9 Now, you know, I kind of -- I'm
10 with Sal on this. I kind of feel like, if
11 we make a decision, we should just be able
12 to stick by it no matter how public it
13 becomes.

14 So, anyway, but I do agree that
15 we should put it over and think about the
16 various interests involved. If there were
17 any tangible or manifest or any experience
18 with any intimidation of any kind, that
19 would change my thinking immediately, but
20 I'm not willing to engage in speculation
21 about anticipatory intimidation myself. I
22 don't believe in that. I want some
23 evidence or some real life experience that
24 tells me that it's going to intimidate
25 people before I act on that kind of a

Civilian Complaint Review Board-Draft
December 9, 2015

25

1 Proceedings

2 concern. You know, I just think it's too
3 easy to do the specter of intimidation.
4 We know from a lot of the talk that's
5 going around in the presidential campaign
6 how mongering is so productive to
7 intimidate people in itself. The fear of
8 intimidation is worse than the
9 intimidation itself.

10 So, anyway, I just think that we
11 should be able to stand up for our
12 positions. And if there's some reason not
13 to cloak it in secrecy, then I would love
14 to know what that is and whether it's
15 sufficiently compelling.

16 COMMR. TAYLOR: Mr. Chair.

17 CHAIR EMERY: Yeah.

18 COMMR. TAYLOR: I just wanted
19 this on record that I can stand for any
20 decision that I make as a panel member. I
21 just want to make sure, like Lindsay said
22 so eloquently, that there are no
23 unintended consequences.

24 CHAIR EMERY: I agree with that.

25 And that's why I think the sense of the

Civilian Complaint Review Board-Draft
December 9, 2015

26

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25

Proceedings

Board is we'll put it over.

COMMR. TAYLOR: Mm-hmm.

CHAIR EMERY: Okay. Anybody else want to talk about this? Because, I do think it's sensitive and we should deal with it as we see fit.

(No response.)

CHAIR EMERY: All right. That's all I have.

So, at this point, we -- I think, can we switch the order? Can you do the report from the Executive Director first and then have public comments?

EXECUTIVE DIRECTOR MALIK: Sure.

CHAIR EMERY: So they have a chance of having the benefit of your comments, and then we can go back and forth with that too. You can answer questions about it. Is that all right?

EXECUTIVE DIRECTOR MALIK: Sure. Absolutely.

So, first and foremost, I'd like to say that the next public meeting for the Board will be on January 13th at Long

**Civilian Complaint Review Board-Draft
December 9, 2015**

27

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25

Proceedings

Island City Community Library, which is at 37-44 21st Street in Long Island City, and it will be in Meeting Room A.

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

Year-to-date, civilian complaints against the police have decreased by 8 percent. And I direct your attention to the screens, the three screens in the room, which will show you a chart regarding the decrease in complaints (indicating). From January through November of 2015 the CCRB received 4,137 complaints, compared to 4,491 complaints for the same time period in 2014.

By category of allegation year-to-date, discourtesy complaints have decreased by 20 percent, force complaints have decreased by 14 percent, offensive language complaints by 17 percent and

**Civilian Complaint Review Board-Draft
December 9, 2015**

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24
25

Proceedings

25 percent from 2014 before the reforms to 2015.

In November, the Agency created an additional calculation, which is reflected on the screen, to measure the efficiency of investigations. These new calculations show the percentage of cases closed year-to-date that were received for each month of the year. The first figure shows data for 2014 before the reforms, which is in yellow. The second figure shows data for 2015 after the reforms, in blue.

In 2014, only 73 percent of all cases received in January and February were closed by October; whereas in 2015, 100 percent of all cases received in January and in February were closed by October. The data shows that the Investigations Division is consistently closing more cases in 2015 after the reforms than in 2014 before the reforms. A smaller percentage of cases are closed at the end of the year because these cases

**Civilian Complaint Review Board-Draft
December 9, 2015**

Proceedings

are most recently received and thus have not had enough time to be investigated and closed.

In November 2015, the CCRB fully investigated 35 percent of the cases it closed and resolved 48 percent of the cases it closed. The Agency continues to face the challenges of truncations, with a rate of 51 percent for the month of November.

I would like to highlight a few other key statistics for this month. The November 2015 case substantiation rate of 27 percent is the third highest in CCRB history. November marks the eighth straight month that the CCRB has substantiated more than 20 percent of the cases it fully investigates. The CCRB also substantiated 14 percent of its allegations in November. With regard to fully investigated allegations in November, the Board substantiated 5 percent of force allegations, 20 percent of abuse of authority allegations, 11

Civilian Complaint Review Board-Draft
December 9, 2015

33

1 Proceedings

2 created another new calculation to
3 specifically measure the average number of
4 days it takes for panels to vote after
5 they receive a complete caseload. The
6 figure shows data for each quarter from
7 2010 to 2015. The average number of days
8 for the panels to meet has generally
9 decreased over time and this number is 18
10 days for the current quarter, below the
11 Agency's benchmark of three weeks, or 21
12 days.

13 Public comment?

14 CHAIR EMERY: Yes, absolutely.

15 Let's hear from Chris. Try and
16 keep it to around five minutes if you can.
17 We'll give you a little leeway if
18 possible.

19 MR. DUNN: Okay. I love the
20 voting sheet issue.

21 CHAIR EMERY: That means
22 whatever we do, you love the result?

23 MR. DUNN: No, no, no. I'm
24 intrigued by your supposition -- they
25 just want to know how Sal and Lindsay are

Civilian Complaint Review Board-Draft
December 9, 2015

34

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Proceedings

voting. If they want to know how they're voting, they'll ask them and Sal and Lindsay will tell them. That's not what's going on here. What they want to know is how you're voting and how you're voting and how you're voting, not you, how you're voting and how you're voting.

And it reminds me of Gene Russianoff, who every year does his slowest bus awards, dirtiest subway station awards, worst subway line awards. And they're going to have on a wall up there, Bennett and Janette, Mr. Taylor, and it's going to be a score. And you guys (indicating) are not going to score so great and these guys (indicating) are going to score wonderfully. And it's not just going to be so they can replace Sal and Lindsay. And I'm going to get the same ones, because it's a great idea, and I'm going to do the awards. And I'm going to have a list of every board member and how you guys have voted.

Let's be clear. They want that

Civilian Complaint Review Board-Draft
December 9, 2015

35

1 Proceedings

2 for one reason and one reason only. They
3 want to figure out, not how these guys are
4 voting, but how everybody else is voting
5 and what to do about it. And that stuff
6 will come out and it will be embarrassing
7 and it will get used against people. And
8 giving it to complainants is no
9 substitute. Because, you give it to a
10 complainant, okay, he or she knows how
11 somebody voted in one case. You give it
12 to Commissioner Bratton and he knows how
13 everyone voted in every case. So that
14 does not balance it out.

15 And this notion about -- Bennett
16 raises about not wanting to give unsubbed
17 cases to complainants because they might
18 be upset, well, how do you think the cops
19 are going to feel about the subbed cases
20 when they see that Sal voted unsub --
21 indeed, Sal voted exonerated, and the
22 other two votes went the other direction?
23 They're not going to be calling Sal up.
24 They're going to be looking to see where
25 Bennett lives. Okay?

Civilian Complaint Review Board-Draft
December 9, 2015

36

1 Proceedings

2 So let's be clear. I mean, this
3 is -- you can decide to give it to them or
4 not, but I think there's nothing but
5 mischief here, and if you give it to them,
6 you've got to give it to me. And, you
7 know, you don't have to give it to me,
8 I'll FOIL it. There's nothing
9 un-FOIL-able about those things. You
10 redact the name of the officer, you redact
11 the complainant -- if it's even on the
12 voting sheet, you probably just have a
13 case number -- and that's it.

14 So I don't know if they really
15 want to open that door. My guess is,
16 after a little more deliberation, you
17 folks will decide it's not a swell idea.

18 CHAIR EMERY: Can I ask you a
19 question?

20 MR. DUNN: Yes.

21 CHAIR EMERY: Why? Why wouldn't
22 that be true right now then on the FOIL?
23 Why couldn't --

24 MR. DUNN: It would be true. I
25 could.

Civilian Complaint Review Board-Draft
December 9, 2015

37

1 Proceedings

2 CHAIR EMERY: You could FOIL
3 them all right now.

4 MR. DUNN: You know, I never
5 thought of that. That's because I'm a
6 nice guy.

7 CHAIR EMERY: Right. No, that's
8 not the reason.

9 (Laughter.)

10 CHAIR EMERY: Why can't somebody
11 from the union FOIL it then? I mean,
12 that's -- it's the same thing.

13 MR. DUNN: I think they could.

14 CHAIR EMERY: I don't think so,
15 but we can decide that later.

16 MR. DUNN: Well...

17 Because it's a personnel record?

18 CHAIR EMERY: Yeah.

19 MR. DUNN: Without a name on it?
20 It's just how you guys do your things.
21 It's not -- it doesn't say anything about
22 an officer.

23 CHAIR EMERY: You know, we
24 should look at that.

25 MR. DUNN: Yeah. So, I just --

Civilian Complaint Review Board-Draft
December 9, 2015

38

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Proceedings

CHAIR EMERY: Where's Vasudha?

MR. DUNN: I don't blame them for wanting the voting sheets. If I'm them, I want them also, but let's not be naive about what is going on here. It is not about Sal; it is not about Lindsay.

All right. On the reports, Mina, I appreciate the visual presentation. I've said this before and I'll say it again, in my book, there's too much emphasis on the agency efficiency -- which has been terrific -- and there's not enough emphasis on what's happening with police misconduct. I also think that some things are really disguised. And I don't mean that pejoratively, I just mean they don't come out.

So, for example, I would not normally ever focus on a particular period of complaint activity, and I've never assigned a lot of significance to changes in complaint numbers, but last year at this time, you folks put out a press

Civilian Complaint Review Board-Draft
December 9, 2015

39

1 Proceedings

2 release trumpeting the fact that between
3 July and November of 2014 complaints had
4 gone significantly down and the new era of
5 William Bratton was taking hold, and that
6 was the five-month period that was
7 evidence of that. I noticed in the
8 five-month period for this year, from July
9 until November, what happened to
10 complaints? Did they go down? No, they
11 did not. They have gone up 14 percent
12 from a year ago. Do I assign a
13 lot of significance to that? No, I don't,
14 but you folks assigned significance to it
15 last year and I think if it's good for you
16 last year, then it's good for us this year.

17 CHAIR EMERY: Are you sure it
18 was we who assigned significance to it? I
19 have to remember that. I think it may
20 have been the Police Department and the
21 Mayor's office, but you can correct me if
22 I'm wrong about that.

23 MR. DUNN: I might be wrong,
24 Richard. I thought the CCRB had actually
25 put out something.

Civilian Complaint Review Board-Draft
December 9, 2015

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Proceedings

CHAIR EMERY: Maybe we did. We can go back and check.

MR. DUNN: Because I was quite surprised that there was, in my mind, cherry picking about a period of time for complaints.

But my larger point is that the complaint picture is going in the wrong direction generally. Yes, it is down 8 percent. At this point, it's been getting closer and closer to zero as the year has gone on because, in fact, compared to last year, each month as the year has gone on your complaint activity has gone up.

Substantiation. Mina, you have talked and you have talked repeatedly about this, and you talked about it in the semi-annual report about the substantiation rate as a point of pride. And I don't disagree with that, although I do not assign any particular significance to a substantiation rate and I don't have a magic number of what is good or what is

Civilian Complaint Review Board-Draft
December 9, 2015

41

1 Proceedings

2 bad. What I do know is that this year, so
3 far for the year you have substantiated
4 misconduct in 71 percent more cases than
5 you had last year. At this time last year
6 there were 280 officers against whom you
7 had subbed complaints. You are now up to
8 479 this year. That, to me, is the single
9 most important number that is defined in
10 your report though not discussed by the
11 Board.

12 CHAIR EMERY: That's
13 interesting.

14 MR. DUNN: Okay? Seventy-one
15 percent increase in the number of
16 substantiated cases this year. It's a
17 huge increase. And I don't know what's
18 behind that.

19 CHAIR EMERY: I can tell you a
20 little bit what's behind it.

21 MR. DUNN: Well, my guess is
22 that you'll say the video business.

23 CHAIR EMERY: No.

24 MR. DUNN: Okay.

25 CHAIR EMERY: I don't always say

Civilian Complaint Review Board-Draft
December 9, 2015

42

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Proceedings

that. Do you want to hear it or?

MR. DUNN: Yes, of course.

CHAIR EMERY: The video certainly has some definite effect, but the biggest factor is that the period of time during which we're doing our investigations has decreased by -- it's one-third of what it was this time last year. And because the evidence is fresh and minds are -- and people's memories are fresh and because the documentation is fresh, the investigations are of a much higher quality. They get better evidence more quickly. And I think that has more to do with it, actually, than video. But I'm just speculating.

MR. DUNN: Well, I give you full credit for that. I mean, we have long talked about the problem with the length of investigations undermining the success of the investigation, if you will. Not necessarily a particular outcome, but getting to a reliable outcome.

CHAIR EMERY: That's right.

Civilian Complaint Review Board-Draft
December 9, 2015

43

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Proceedings

MR. DUNN: And it might be interesting to compare analytical matter in disposition for investigations that took more time in the past with dispositions for investigations taking less time now.

CHAIR EMERY: That's an interesting study and I think it would be dramatically -- it would show dramatically that that is the main cause of a higher substantiation rate.

MR. DUNN: Well, that might be, but all I can say is there are a lot more cops this year that you folks have found engaged in misconduct than you had found last year, okay? And that's important. The public needs to know about that. That's something you should be paying attention to. And Richard just said that's just the production of improved investigation and not the product of something happening on the street. Okay. But that's a question that should be answered and it is an issue that should be

Civilian Complaint Review Board-Draft
December 9, 2015

44

1 Proceedings

2 identified.

3 CHAIR EMERY: I think it is a
4 good suggestion that we should consider
5 having that number in our monthly report.

6 MR. DUNN: It's in there in a
7 table, but it never gets discussed.

8 On the video piece, I know
9 that -- I mean, there's some good numbers
10 on videos. What's missing from the video
11 presentation, they're just percentages, I
12 have no idea what number of cases that
13 represents. I've mentioned this before.
14 If it's five cases, the percentages are
15 meaningless. If it's fifty cases or a
16 hundred cases, it's a different matter.

17 CHAIR EMERY: It's about
18 19 percent we have videos in, I think.
19 Isn't that right, Robia? Is it somewhere
20 around --

21 MS. CHARLES: But he's saying
22 that he wants the count in addition.

23 CHAIR EMERY: I understand, but
24 if it's 19 percent of 360, we can
25 pretty well --

Civilian Complaint Review Board-Draft
December 9, 2015

45

1 Proceedings

2 MR. DUNN: Well, if that's the
3 case, but there's nothing in the report
4 that says that. And that table that says
5 the percentage --

6 CHAIR EMERY: Right.

7 MR. DUNN: -- the substantiation
8 rates should have an N in it for each bar
9 saying how many cases are actually at
10 issue.

11 CHAIR EMERY: Fair enough.
12 That's not a big lift.

13 MR. DUNN: Charges. There's a
14 big change in your recommendations about
15 charges in cases. You are -- year-to-date
16 have recommended charges in half the
17 percentage of cases that you had as of
18 this time last year.

19 CHAIR EMERY: Mm-hmm.

20 MR. DUNN: So you have a
21 charging rate right now about 26 percent.
22 You had a charge rate of 53 percent last
23 year. That's a dramatic change where you
24 are, as an agency, saying to the Police
25 Department that you are recommending much

Civilian Complaint Review Board-Draft
December 9, 2015

46

1 Proceedings

2 less discipline in substantiated cases.

3 CHAIR EMERY: Let me make a
4 quick comment about that as well, because
5 I think it's complex -- and nothing I'm
6 about to say is written in stone, because
7 clearly panels are independent and they're
8 very different from one another and
9 they're mixed, and they make the ultimate
10 decision about charges. So it's a
11 function of the people who get together
12 and talk about what the outcome is.

13 But, I do think that there is a
14 sense overall -- and I'm describing a
15 general sense -- that discipline is more
16 consistently imposed and more consistently
17 kept at a level that is commensurate with
18 the offense when it's in the category
19 where it could be either CD or charges,
20 where we end up with a CD because charges
21 have to go over; they're long delayed,
22 they plead; they get acquitted in
23 50 percent of the cases. The level of
24 traction at the Police Department, as a
25 result of their processes, is far less

Civilian Complaint Review Board-Draft
December 9, 2015

47

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Proceedings

accountable for the -- the police officer is far less accountable if we charge them than if we impose a CD.

And there's a perception on this Board, I think, generally, that CDs are in fact in many instance -- not all instances, obviously the most serious cases require charges, and the AP Unit is doing a very good job of presenting cases over there, but as a general proposition, if it's in the category where there are going to be vacation days lost up to ten days -- and it's likely to happen with charges and it's likely to happen with CDs -- we're going to opt for a CD because it's much more reliable.

MR. DUNN: All right. Well, that's fair enough. And I don't have any idea of the truth in the matter in the sense that you -- as you pointed out, every panel makes its own decisions. Maybe soon we'll get to all see what those panel members decided.

CHAIR EMERY: Not after your

Civilian Complaint Review Board-Draft
December 9, 2015

48

1 Proceedings

2 thing tonight.

3 MR. DUNN: I know.

4 (Laughter.)

5 MR. DUNN: That's okay. I can
6 count seven votes already. I know where
7 that's going.

8 CHAIR EMERY: We're going to
9 study the issue of charges versus CD in
10 the actual imposition of penalty.

11 MR. DUNN: Okay. Well, that
12 would be good. Because the point that I'm
13 making, Richard, is there's been a very
14 big change, and maybe that's a completely
15 justified change, but it is an important
16 change --

17 CHAIR EMERY: I agree with you.

18 MR. DUNN: -- because the
19 discipline that you folks recommend, that
20 is you're saying to the Department and the
21 world: Here's how serious we think this is.

22 CHAIR EMERY: Well, I -- that's what I'm
23 saying. I think.

24 MR. DUNN: Of course that number
25 fluctuates over time, but to go from

Civilian Complaint Review Board-Draft
December 9, 2015

49

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Proceedings

53 percent to 26 percent in one year,
something else is going on.

CHAIR EMERY: Well, I would say
superficially, yes, you could spin it that
way, but what I'm saying is I think that
if you look behind it, there are other
reasons which are more profoundly
committed to imposing police discipline
where it's deserved that animate that drop
in numbers.

MR. DUNN: Okay.

And that takes me to the final
thing in the reports, which is you have
changed the labeling in the dispositional
tables from the Department. So I'm not
entirely sure I'm reading this accurately,
but in the APU case table, as I read it,
there have been 180 cases disposed of so
far this year, 60 of them show no
disciplinary action. I assume that's the
same notion as what we all referred to as
dupes until a couple of months ago, but I
can't tell.

CHAIR EMERY: No, that's not

Civilian Complaint Review Board-Draft
December 9, 2015

50

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Proceedings

what it is. It means it's pending over there. There's a big backlog over there. I think.

MR. DUNN: Well, I don't think so.

CHAIR EMERY: I think that's what you're referring to, because I know that there is a big backlog over at the PD.

MR. DUNN: Well, I'd be surprised there, Richard, because this table on page 28 (indicating) purports to be cases where the Department has made a disposition. It has a total of 180 cases. It shows 60 on the penalty line, "No Disciplinary Action." These are not pending cases.

CHAIR EMERY: Robia, maybe you can tell --

MS. CHARLES: What page are you on?

MR. DUNN: Page 28.

CHAIR EMERY: Twenty-eight.
Robia or John?

Civilian Complaint Review Board-Draft
December 9, 2015

51

1 Proceedings

2 Right.

3 MS. CHARLES: Okay.

4 Those are not guilties.

5 MR. DUNN: Those are not

6 guilties?

7 CHAIR EMERY: By the DCT? Is

8 that what it is, Robia?

9 Wait a second.

10 EXECUTIVE DIRECTOR MALIK: Are

11 you referring to the 78 cases, Chris?

12 MR. DUNN: I'm referring to the

13 60.

14 CHAIR EMERY: Sixty. Right here

15 (indicating).

16 MR. DUNN: No Disciplinary

17 Action, 60 cases, a third of all the

18 cases.

19 CHAIR EMERY: Twenty-eight.

20 Page 28, "No Disciplinary Action," 60

21 cases.

22 MS. CHARLES: We'll take a look

23 and get back to you.

24 MR. DUNN: All right. Take

25 those bodies back out of the closet.

Civilian Complaint Review Board-Draft
December 9, 2015

52

1 Proceedings

2 CHAIR EMERY: Right.

3 MR. DUNN: We'll find out what
4 happened to those 60 guys.

5 CHAIR EMERY: You maybe have --
6 you probably have uncovered the reason
7 we're doing CDs.

8 MR. DUNN: Part of the challenge
9 here is that this table is presented
10 differently than the table -- the
11 counterpart table that preceded it. So --
12 and maybe this includes some categories of
13 dispositions that were not apparent,
14 but -- okay.

15 CHAIR EMERY: Okay, we'll work
16 on that.

17 MR. DUNN: And so what that goes
18 to, going back to the recommendations, I
19 know that part of something that you have
20 been proud of -- and I'm not criticizing
21 this -- is what you consider to be a
22 higher percent of cases in which the
23 Department was accepting your
24 recommendation.

25 CHAIR EMERY: Mm-hmm.

Civilian Complaint Review Board-Draft
December 9, 2015

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Proceedings

MR. DUNN: Okay? And I have complained about the fact that that may be true, but really what's going on is not that they're getting more in agreement with you, it's that you're knuckling under to them and sending over less serious proposals and they're happy to take it. Now, hey, I'm just saying that's my spin, and I'm not saying that's actually what's happening, but that may be an explanation.

CHAIR EMERY: Yeah, that's completely wrong, but that's okay.

MR. DUNN: I get that. I expected you to say that, Richard. But what worries me is when I see a third of the cases in the APU that have gone over and there's zero discipline. Well, then to me, the Department, in fact, is not accepting your recommendations in 90 percent of the cases; they're accepting in 62 percent. And...

CHAIR EMERY: Right. Well, I agree with you that DCT and the trial room process is not nearly as reliable in

Civilian Complaint Review Board-Draft
December 9, 2015

54

1 Proceedings

2 imposing discipline as the Police
3 Department when they receive recommended
4 discipline from us in the other context,
5 in a non-APU context.

6 MR. DUNN: To be sure.

7 CHAIR EMERY: Yeah.

8 MR. DUNN: You have a much
9 higher rate.

10 CHAIR EMERY: Right.

11 MR. DUNN: But, you know, the
12 concern I have about that is it's easy to
13 give a guy instructions. You're never
14 going to get a push-back on that. And
15 that's a primary -- that is the single
16 most common form of what they claim to be
17 discipline. I don't consider instructions
18 to be discipline. I don't think any cop
19 considers instructions to be discipline.

20 CHAIR EMERY: Well, I think
21 that's wrong, but --

22 MR. DUNN: All right.

23 CHAIR EMERY: -- we can talk
24 about that.

25 MR. DUNN: All right, enough

Civilian Complaint Review Board-Draft
December 9, 2015

55

1 Proceedings

2 about the report.

3 Two other quick things.

4 Bennett, you keep raising this, but you
5 raised it so I'm going to stick with it.

6 Several meetings ago you raised the
7 prospect of the CCRB referring to district
8 attorneys police officers who you found
9 engaged in perjury/false statements during
10 investigations. I will ask --

11 COMMR. CAPERS: We're still
12 working on that.

13 MR. DUNN: You're still working
14 on that?

15 COMMR. CAPERS: Yes.

16 MR. DUNN: Okay. I just want to
17 keep that on the -- if not the front
18 burner, at least the back burner.

19 CHAIR EMERY: It has not -- we
20 have not lost sight of that at all.

21 MR. DUNN: Okay.

22 EXECUTIVE DIRECTOR MALIK: You
23 have to understand that there are two new
24 DAs, right? We have a new DA in the
25 Bronx, Darcel Clark, and a new DA coming

Civilian Complaint Review Board-Draft
December 9, 2015

56

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Proceedings

on board in Staten Island. So we're still in the process of discussing this whole issue with the DA's offices.

MR. DUNN: Okay. I'll settle for three.

CHAIR EMERY: Yeah, but the public might not just because you do.

MR. DUNN: Well, you know, you've got to start some place. Let's do a test run in Manhattan and Brooklyn. I think the DA in Brooklyn might be thrilled to get some referrals. I think Mina might have something to say about that.

CHAIR EMERY: She'd be better in Queens.

(Laughter.)

MR. DUNN: The final thing that I know is on a burner -- front, back, or even further back -- is my long-lost bystander report. I understand that it is still in process. I would just say for the record, I've been waiting a long time for this and I would just encourage you folks to try to get to that as soon as you

Civilian Complaint Review Board-Draft
December 9, 2015

57

1 Proceedings

2 can.

3 That was more than five minutes,
4 I apologize.

5 CHAIR EMERY: Thank you very
6 much, Chris. No, very helpful comments;
7 thank you.

8 Mr. O'Grady.

9 Great, yes. How are you? Good
10 to see you here, sir.

11 MR. O'GRADY: Thank you. Thank
12 you. Does this work (indicating)?

13 CHAIR EMERY: Yeah. You can
14 stand there, right.

15 MR. O'GRADY: The former
16 commissioner -- actually, former Chairman
17 Daniel Chu, he said that they will be
18 cooperating with the attorney who had
19 championed my case. And I just want to
20 say that, you know, I walk for blocks in
21 Manhattan, you know, through some of the
22 richest neighborhoods in Manhattan, and
23 all I see is people who -- they don't
24 clean up behind their K-9, you know? And
25 our mayor, Mr. de Blasio, he wants to get

Civilian Complaint Review Board-Draft
December 9, 2015

58

1 Proceedings

2 the carriage horses off the City -- to use
3 his words -- New York City streets. And,
4 you know, I mean, I'm sure he'd have a lot
5 of problems if he tried to get all these
6 dogs off the -- you know, people off the
7 New York City streets. You know, I don't
8 think that all this K-9 feces belong on
9 New York City streets.

10 But, you know, he's -- but, you
11 know, people who know, they say that they
12 want that -- they want that land. As a
13 developer who wants the land where the
14 stables -- where the horses are stabled,
15 it's not about getting the horses off the
16 New York City streets, because nothing is
17 done about the K-9s. I mean, why would
18 you walk for three blocks and see nothing
19 but K-9 feces? People, they're supposed
20 to be ticketed for the K-9 feces, but
21 that's not -- as I said, Daniel Chu, he
22 said they will be working with the
23 attorney who had championed my case. I
24 don't know how -- what he meant by that.
25 Perhaps it's something I wouldn't see.

Civilian Complaint Review Board-Draft
December 9, 2015

59

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Proceedings

But, the news media report, Idi Amin killed more Africans than the Ku Klux Klan put together. Was Idi Amin a Negra (phonetic)?

This scenario brought to your attention senior fiduciary working the cashier window, Upper West Side hotel, man known as Lenny, Mr. L., a hotel fiduciary. Strength through this cashier window, Negro woman developer -- Negra woman developer, Negra boyfriend, husband in jail, narcotics. Lenny, Mr. L., indicated Negra woman developer advised him to stay on job but he would not be paid for six months to a year. Then she will pay him. Lenny continued to come to work for a year. Negra woman developer did not pay him back salary or wages. Mr. Lenny, Mr. L., senior fiduciary cashier, cashier window had combination to safe. Being senior fiduciary, opened safe, took his back wages, salary. Negra woman developer sued Lenny, Mr. L., in court and Negra woman developer admitted to the jury she

Civilian Complaint Review Board-Draft
December 9, 2015

60

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Proceedings

had stopped his wages, salary, for over a year, advising Lenny to continue to come to job. According to Lenny, the judge ruled Negra developer woman owed Lenny money taken from the safe.

Some black Americans named the Arab nations of being the middleman in the American slave trade 300 years. Were these slaves just popping in on the slave ship? You are the businessman.

Why or how is it that the Roman Catholic churches' parishes are losing membership, closing parishes? Is it that so many Roman Catholic priests have been exposed as homosexual child molesters? Parishes are losing membership. Christ spoke on this in one gospel. Christ also used the word E-U-N-U-C-H. The roots of this word, E-U-N-U-C-H, leads you to men with harems, men with hundreds of women to sex. He wanted a male security force in with his hundreds of women. He did not want a male who could potentially enjoy or partake.

Civilian Complaint Review Board-Draft
December 9, 2015

61

1 Proceedings

2 CHAIR EMERY: Mr. O'Grady, are
3 you close to the end?

4 MR. O'GRADY: Yeah, I'm going to
5 wrap this up.

6 CHAIR EMERY: Okay, thank you.

7 MR. O'GRADY: He did not want a
8 male who could potentially enjoy --
9 partake his women in his absence,
10 E-U-N-U-C-H word, spoken by Christ in the
11 gospel. This is back 2000 -- I mean, they
12 had the harems, you know?

13 Dylann Roof apparently wants to
14 live under the Confederate flag. Dylann
15 Roof. Ulysses Simpson Grant, Julia Dent
16 Grant, Caucasian man and woman,
17 successfully fought these confederate.
18 However, all-Negro trial jury could not
19 decide on a spiritual or political leader,
20 Jefferson Davis. Jefferson Davis walked
21 free due to a hung jury, all-Negro hung
22 jury.

23 And in biology, the womb is
24 referred to as the uterus. The female
25 child is born with this device; male child

Civilian Complaint Review Board-Draft
December 9, 2015

62

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Proceedings

is not born with this device. The womb is called woman because she was born with this device, womb, woman.

CHAIR EMERY: Thank you.

Committee reports, any reports from committees?

EXECUTIVE DIRECTOR MALIK: Yes, we have Outreach.

CHAIR EMERY: Okay.

Thank you, Brian.

MR. CONNELL: Good evening, everyone.

The Outreach Unit continues to make strides in November with thirty presentations. That surpassed our projected average of twenty-five presentations.

Just to update the October statistics for Outreach, we did attend twenty-six Outreach presentations, but we did forty-one Outreach presentations. We're doing multiple presentations at these sites. Through November we have completed 224 presentations, so we're on

Civilian Complaint Review Board-Draft
December 9, 2015

63

1 Proceedings

2 pace to complete nearly 260 presentations
3 by the year end, and that's above the
4 projected average that we estimated back
5 in October. When that occurs, this will
6 be the highest -- the second highest
7 annual total in the past four years for
8 Outreach.

9 Regarding the locations and the
10 groups through which we do presentations,
11 we had an even distribution of
12 presentations in Queens, Manhattan and
13 Brooklyn. They averaged about -- they
14 averaged, actually, fifty-eight
15 presentations through November. That
16 followed with thirty-three presentations
17 for the Bronx and seventeen presentations
18 in Staten Island.

19 Through November, the groups
20 through which we did presentations, the
21 highest groups were high schools and
22 higher education institutions, followed by
23 Precinct Council meetings. The other
24 groups we did presentations to were LGBTQ,
25 NYCHA, probationers, youth groups and

Civilian Complaint Review Board-Draft
December 9, 2015

64

1 Proceedings

2 community boards.

3 Update on staffing, we've
4 reposted for the community outreach
5 coordinator position. We selected one
6 candidate from within, Eshwarie Mahadeo,
7 and we'd like to welcome Eshwarie to --
8 where are you? There you are -- to the
9 Outreach Unit. I think that's going to
10 give us a big boost. She came with some
11 investigations background, so I think
12 having that knowledge will -- bodes well
13 for giving a good impact on Outreach. We
14 still are recruiting for the Director of
15 Outreach. That position is still vacant
16 and we're selecting resumes for candidates
17 to be interviewed at this time.

18 In November, some notable events
19 occurred -- and I'd just like to mention
20 them -- which we attended. Congressman
21 Charles Rangel's Career Job Fair at City
22 College, we attended that on
23 November 10th.

24 And I'm really glad to announce
25 that another notable event was, the CCRB

**Civilian Complaint Review Board-Draft
December 9, 2015**

65

Proceedings

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2 held its first ever LGBTQ luncheon and
3 open discussion forum. That occurred on
4 November 18th. This was an unprecedented
5 event and tailored specifically for
6 organizations and members of the LGBTQ
7 community. In attendance were members and
8 constituents of fourteen organizations
9 that serve the LGBTQ community. Executive
10 Director Mina Malik organized the event
11 and led the conversation that welcomed
12 each organization and allowed each to
13 introduce themselves to the CCRB and
14 briefly discuss the work they do. Board
15 Member Joseph Puma also attended and gave
16 comments supporting LGBTQ organizers.

17 The CCRB Prosecutor, Nicole
18 Junior, followed those speeches with a
19 superb PowerPoint presentation about the
20 work that CCRB does, which included
21 special -- several graphs -- sorry -- and
22 charts of the CCRB data showing, among
23 other things, that a disproportionate
24 number of LGBTQ individuals were subject
25 to police misconduct. LGBTQ organizers

1 Proceedings

2 shared their experiences of police
3 misconduct with us and intense discussion
4 was had regarding ways the CCRB can better
5 serve the LGBTQ community. The feedback
6 received was informative and gratifying,
7 and several requests for more events like
8 this one and the need for further
9 conversation were received.

10 Other couple of events was the
11 celebration of the Puerto Rican Heritage
12 Month at City Hall on November 19th,
13 hosted by Mayor de Blasio and City Council
14 Speaker Melissa Mark-Viverito. We
15 attended that as well.

16 And another notable event was
17 the Hetrick-Martin Institute LGBTQ Youth
18 Summit in Brooklyn that took place at
19 St. Francis College and was sponsored by
20 Speaker Mark-Viverito and Council Member
21 Menchaca, as well as the City Council
22 LGBTQ caucus.

23 Just a few updates on how we're
24 doing with regard to initiatives for
25 Outreach. The CCRB presentation at police

Civilian Complaint Review Board-Draft
December 9, 2015

67

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Proceedings

roll call, we have two precincts that agreed to have us do presentations. Those precincts are the 120 on Staten Island and the 73 in Brooklyn. We are also scheduling with the 75 and the 77 in Brooklyn to do those roll call presentations as well, so we're looking forward to getting that started.

Precinct Council meetings, we did twenty-six presentations to Precinct Council meetings and we're scheduling more this month.

NYCHA residences, we did thirteen presentations the other day and more upcoming. We have contacted Council Members' offices for assistance in doing more Outreach to NYCHA residences.

ARCHERS, that services probationers, they have twenty sites. We have done presentations at six of them and we have five more scheduled, and we're working on scheduling the other nine ARCHERS sites upcoming.

Homeless individuals, we have

**Civilian Complaint Review Board-Draft
December 9, 2015**

68

Proceedings

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2 done one presentation. However, we are
3 using a database that we have compiled of
4 forty-eight organizations to begin
5 scheduling Outreach presentations to
6 homeless organizations, organizations that
7 support the homeless.

8 The LGBTQ organizations, we did
9 fifteen completed year-to-date and we have
10 nine scheduled in December.

11 After the CCRB's LGBTQ luncheon
12 forum, we constructed a database of
13 fifty-four LGBTQ organizations. We
14 reached out to all of them who attended
15 the luncheon, as well as others. We
16 contacted Carl Locke -- he's the President
17 of the Gay Officers Action League at the
18 NYPD -- to discuss the CCRB's partnering
19 with GOAL to do Outreach and contribute to
20 the NYPD Academy curriculum. Mr. Locke
21 developed a four-and-a-half-hour
22 presentation regarding LGBTQ sensitivity
23 training at the Police Academy, which was
24 co-facilitated by a transgender officer
25 for the first time this year.

Civilian Complaint Review Board-Draft
December 9, 2015

69

1 Proceedings

2 The last event was the CCRB
3 Community Partners Initiative, which we're
4 continuing at Cornegy -- Council Member
5 Cornegy's office, and we hope to expand
6 that shortly.

7 That completes my report.

8 CHAIR EMERY: Thank you very
9 much, Brian.

10 Any other committee reports?

11 (No response.)

12 CHAIR EMERY: Okay.

13 Any new business, old business?

14 Are we ready to adjourn to Executive
15 Session?

16 COMMR. CARCATERRA: (Nodding.)

17 CHAIR EMERY: All right.

18 Any motion to adjourn to
19 Executive Session?

20 COMMR. TAYLOR: I'll make a
21 motion.

22 COMMR. CAPERS: I'll second.

23 CHAIR EMERY: Okay.

24 Any opposed?

25 (No response.)

Civilian Complaint Review Board-Draft
December 9, 2015

70

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Proceedings

CHAIR EMERY: Thank you very
much, all, for attending. Thanks.

(Time noted: 7:34 p.m.)

Civilian Complaint Review Board-Draft
December 9, 2015

71

C E R T I F I C A T E

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

I, Therese L. Sturges, a Shorthand Reporter and 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 14th of December, 2015.

THERESE L. STURGES

**Civilian Complaint Review Board-Draft
December 9, 2015**

A		
able (5) 5:11,12 22:6 24:11 25:11	announce (2) 4:13 64:24	behalf (1) 9:12
absence (1) 61:9	annual (1) 63:7	believe (2) 6:3 24:22
absent (1) 8:18	anonymity (1) 13:13	belong (1) 58:8
absolutely (2) 26:22 33:14	anonymous (2) 12:10 16:12	benchmark (1) 33:11
abuse (2) 28:2 31:25	answer (1) 26:19	benefit (1) 26:17
Academy (2) 68:20,23	answered (2) 13:15 43:25	Bennett (6) 3:9 20:2 34:14 35:15 35:24 55:4
accepting (3) 52:23 53:20,21	anticipatory (1) 24:21	Bennett's (1) 19:8
access (1) 12:11	anybody (3) 4:15 21:15 26:4	best (2) 16:2 29:15
accountable (2) 47:2,3	anyway (4) 5:20 24:2,14 25:10	better (5) 6:14 20:13 42:14 56:15 66:4
accurately (1) 49:17	AP (1) 47:9	big (6) 45:12,14 48:14 50:3,9 64:10
acquitted (1) 46:22	apologize (1) 57:4	biggest (1) 42:6
act (2) 15:20 24:25	apparent (1) 52:13	biology (1) 61:23
action (6) 49:21 50:17 51:17,20 68:17 71:13	apparently (1) 61:13	Bishop (1) 3:11
active (2) 29:6,10	appointed (1) 10:15	bit (2) 8:12 41:20
activity (2) 38:22 40:15	appointees (2) 10:16 13:10	black (1) 60:7
actual (1) 48:10	appreciate (1) 38:10	blame (1) 38:4
add (1) 23:9	APU (2) 49:18 53:17	blamed (2) 16:13,15
addition (1) 44:22	Arab (1) 60:8	Blasio (2) 57:25 66:13
additional (3) 17:12 29:2 30:5	ARCHERS (2) 67:19,24	block (1) 21:6
adjourn (2) 69:14,18	architecture (1) 13:2	blocks (2) 57:20 58:18
administration (1) 16:9	argument (1) 17:6	blood (1) 71:13
admitted (1) 59:25	arguments (1) 16:17	blue (1) 30:14
adopted (1) 4:23	articulate (1) 13:21	board (26) 1:3 3:2 4:4,10 5:13 8:24 12:2 15:19 16:10,11,12,23 18:16 18:19 23:3 24:3 26:2,25 28:19 31:23 32:11 34:23 41:11 47:6 56:2 65:14
Adoption (1) 1:22	asked (3) 7:21 10:4 20:5	Board's (2) 21:3 29:7
advance (1) 22:11	asking (4) 8:9 17:14 19:15 20:3	boards (1) 64:2
advised (1) 59:14	assign (2) 39:12 40:23	bodes (1) 64:12
advising (1) 60:3	assigned (3) 38:23 39:14,18	bodies (1) 51:25
Advocate's (1) 32:12	assistance (1) 67:17	book (1) 38:12
Africans (1) 59:3	assume (1) 49:21	boost (1) 64:10
agency (12) 15:12 16:21 23:16,21 27:6 28:5 29:17 30:4 31:8 32:25 38:13 45:24	attend (2) 19:23 62:20	born (3) 61:25 62:2,3
Agency's (2) 27:9 33:11	attendance (1) 65:7	boroughs (1) 19:21
AGENDA (2) 1:19 2:2	attended (5) 64:20,22 65:15 66:15 68:14	boyfriend (1) 59:12
ago (2) 49:23 55:6	attending (1) 70:3	Bratton (2) 35:12 39:5
agree (5) 20:21 24:14 25:24 48:17 53:24	attention (3) 27:14 43:20 59:7	break (1) 8:17
agreed (1) 67:3	attorney (3) 6:2 57:18 58:23	Brian (3) 11:3 62:11 69:9
agreement (1) 53:5	attorneys (1) 55:8	brief (1) 4:24
all-Negro (2) 61:18,21	authority (3) 9:11 28:2 31:25	briefly (1) 65:14
allegation (1) 27:21	available (1) 32:8	bring (1) 23:15
allegations (9) 8:25 31:21,22,24 31:25 32:2,3,5,21	average (7) 28:6,7 29:24 33:3,7 62:17 63:4	bringing (1) 6:10
allowed (3) 6:13 7:3 65:12	averaged (2) 63:13,14	Bronx (2) 55:25 63:17
allows (1) 9:15	awards (4) 34:11,12,12,22	Brooklyn (6) 56:11,12 63:13 66:18 67:5,7
American (1) 60:9		brought (2) 23:18 59:6
Americans (1) 60:7	B	burner (3) 55:18,18 56:19
Amin (2) 59:3,4	B (1) 1:12	bus (1) 34:11
amount (1) 6:13	back (18) 4:11 10:3 12:9,17,24 20:5 26:18 40:3 51:23,25 52:18 55:18 56:19,20 59:19,23 61:11 63:4	business (5) 2:9,10 41:22 69:13,13
analogize (1) 9:5	background (1) 64:11	businessman (1) 60:11
analogous (1) 8:13	backlog (2) 50:3,9	bystander (1) 56:21
analytical (1) 43:3	bad (1) 41:2	
analyze (1) 15:17	balance (1) 35:14	C
and/or (1) 28:19	bar (1) 45:8	C (2) 71:1,1
animate (1) 49:10	based (1) 21:11	
	beginning (1) 13:24	

**Civilian Complaint Review Board-Draft
December 9, 2015**

2

calculation (2) 30:5 33:2
calculations (1) 30:8
call (4) 1:21 4:2 67:2,7
called (1) 62:3
calling (1) 35:23
campaign (1) 25:6
candidate (1) 64:6
candidates (1) 64:16
Capers (15) 3:9 4:17 8:4,6 10:2,6
17:9,12,19 18:8,12,23 55:11,15
69:22
Carcatera (5) 3:7 4:19 21:7,10
69:16
care (1) 11:3
Career (1) 64:21
Carl (1) 68:16
carriage (1) 58:2
carved (1) 18:22
case (15) 5:14,25 6:18,20 12:7
15:18 21:16 31:14 35:11,13
36:13 45:3 49:18 57:19 58:23
caseload (1) 33:5
cases (65) 5:7,10 6:23 7:5 8:23
18:3,4,7,14,19,21 22:3 23:17,23
28:10,14,15,18,21,24,25 29:3,5,5
29:9,9,11 30:8,16,18,22,24,25
31:6,8,19 32:6,7,9 35:17,19 41:4
41:16 44:12,14,15,16 45:9,15,17
46:2,23 47:9,10 49:19 50:14,15
50:18 51:11,17,18,21 52:22
53:17,21
cashier (4) 59:8,10,20,20
categories (1) 52:12
category (3) 27:21 46:18 47:12
Catholic (2) 60:13,15
Caucasian (1) 61:16
caucus (1) 66:22
cause (1) 43:11
CCRB (19) 7:4 27:18 28:9 29:8,10
31:5,15,17,19 39:24 55:7 64:25
65:13,17,20,22 66:4,25 69:2
CCRB's (4) 28:13 32:19 68:11,18
CD (5) 46:19,20 47:4,16 48:9
CDs (3) 47:6,16 52:7
celebration (1) 66:11
centered (1) 11:23
certainly (1) 42:5
certify (2) 71:8,12
Chairman (1) 57:16
Chairperson (2) 1:13 3:4
challenge (1) 52:8
challenges (1) 31:9
championed (2) 57:19 58:23
chance (2) 20:10 26:17
change (8) 4:5,9 24:19 45:14,23
48:14,15,16
changed (1) 49:15

changes (1) 38:23
charge (2) 45:22 47:3
charges (9) 45:13,15,16 46:10,19
46:20 47:9,15 48:9
charging (1) 45:21
Charles (5) 44:21 50:21 51:3,22
64:21
chart (1) 27:16
charts (1) 65:22
check (1) 40:3
cherry (1) 40:6
child (3) 60:16 61:25,25
chopping (1) 21:6
Chris (3) 33:15 51:11 57:6
Christ (3) 60:17,18 61:10
Chu (2) 57:17 58:21
Church (1) 1:8
churches' (1) 60:13
cite (2) 12:6 15:18
citizens (1) 9:6
City (14) 4:12 9:12 27:2,3 29:18
58:2,3,7,9,16 64:21 66:12,13,21
civilian (3) 1:3 4:3 27:11
claim (1) 54:16
Clark (1) 55:25
clean (1) 57:24
clear (3) 7:7 34:25 36:2
clearly (2) 14:20 46:7
cloak (1) 25:13
close (3) 29:8,24 61:3
closed (8) 29:19 30:9,17,19,24
31:4,7,8
closer (2) 40:12,12
closest (1) 51:25
closing (2) 30:22 60:14
co-facilitated (1) 68:24
College (2) 64:22 66:19
combination (1) 59:21
come (6) 4:25 22:5 35:6 38:19
59:17 60:3
comfortable (1) 13:5
coming (1) 55:25
commensurate (1) 46:17
comment (3) 19:9 33:13 46:4
comments (6) 7:14,22 26:14,18
57:6 65:16
commission (1) 5:13
commissioner (12) 3:5,6,7,8,9,10
3:11 8:3 12:21 32:17 35:12 57:16
commissioners (3) 7:10 10:11
23:22
committed (1) 49:9
committee (3) 2:6 62:6 69:10
committees (1) 62:7
common (1) 54:16
COMMR (47) 4:17,19 7:6,9,15,23
8:4,6 10:2,6,22,25 11:20,22 12:5

12:15 14:15,18,25 15:4,7,9,14
16:5 17:5,9,12,19 18:8,12,23
19:5,8 21:7,10 22:8,21 23:8,11
25:16,18 26:3 55:11,15 69:16,20
69:22
communicate (1) 7:3
communities (1) 4:12
community (7) 27:2 64:2,4 65:7,9
66:5 69:3
compare (1) 43:3
compared (5) 27:19 28:6 29:21
32:6 40:14
comparing (1) 16:10
compelling (2) 11:8 25:15
compiled (1) 68:3
complainant (3) 6:2 35:10 36:11
complainants (16) 6:4,9,18,21
9:23,24 11:19 14:23,25 17:25
18:3,13,21 19:17 35:8,17
complained (1) 53:3
complaint (6) 1:3 4:4 38:22,24
40:9,15
complaints (14) 27:12,16,19,19,22
27:23,25 28:2,6,7 39:3,10 40:7
41:7
complete (2) 33:5 63:2
completed (2) 62:25 68:9
completely (4) 19:2 22:18 48:14
53:13
completes (1) 69:7
complex (1) 46:5
compose (1) 7:11
concern (3) 18:11 25:2 54:12
concerns (1) 17:13
conducted (1) 32:22
confederate (2) 61:14,17
confidential (2) 14:2 15:10
confidentially (1) 8:11
Congressman (1) 64:20
CONNELL (1) 62:12
conscience (1) 11:13
consequences (3) 14:13 22:14
25:23
consider (3) 44:4 52:21 54:17
consideration (1) 22:16
considering (1) 8:8
considers (1) 54:19
consistently (3) 30:21 46:16,16
constituents (1) 65:8
constructed (1) 68:12
contacted (2) 67:16 68:16
context (3) 12:14 54:4,5
continue (2) 29:15 60:3
continued (2) 2:2 59:17
continues (3) 29:8 31:8 62:14
continuing (2) 29:14 69:4
contribute (2) 23:20 68:19

**Civilian Complaint Review Board-Draft
December 9, 2015**

convenient (1) 4:7
conversation (3) 12:20 65:11 66:9
conversations (1) 12:8
cooperating (1) 57:18
coordinator (1) 64:5
cop (1) 54:18
cops (2) 35:18 43:15
Cornegy (1) 69:4
Cornegy's (1) 69:5
correct (1) 39:21
Cortes-Gomez (5) 3:8 7:6,9,15,23
Council (8) 63:23 66:13,20,21
67:10,12,16 69:4
count (2) 44:22 48:6
counterintuitive (1) 15:20
counterpart (1) 52:11
COUNTY (1) 71:3
couple (2) 49:23 66:10
course (4) 4:14 23:25 42:3 48:24
court (1) 59:24
crazy (1) 4:7
created (3) 16:14 30:4 33:2
creation (1) 29:16
credibility (1) 14:8
credit (1) 42:19
criticizing (1) 52:20
current (1) 33:10
curriculum (1) 68:20

D

D (2) 1:13 3:4
DA (4) 29:3 55:24,25 56:12
DA's (1) 56:4
Daniel (2) 57:17 58:21
Darcel (1) 55:25
DAs (1) 55:24
data (5) 30:11,13,20 33:6 65:22
database (2) 68:3,12
Davis (2) 61:20,20
day (1) 67:15
days (7) 29:24 33:4,7,10,12 47:13
47:14
DCT (2) 51:7 53:24
de (2) 57:25 66:13
deal (1) 26:6
Debbie (1) 10:14
December (5) 1:5 4:3,8 68:10
71:17
decide (6) 5:7 10:18 36:3,17 37:15
61:19
decided (1) 47:24
decision (9) 21:18,19,25 22:5,6
24:8,11 25:20 46:10
decisions (2) 1:24 47:22
decline-to-prosecute (1) 32:14
decrease (2) 27:16 28:10
decreased (6) 27:13,23,24 29:25

33:9 42:8
defend (2) 21:19 22:6
defined (1) 41:9
definite (1) 42:5
definitely (2) 18:8,12
degree (2) 5:19 9:17
delayed (1) 46:21
deliberate (1) 8:15
deliberating (2) 8:13,14
deliberation (1) 36:16
Dent (1) 61:15
department (23) 5:6 6:8,16,21
9:20,22 10:3 13:12 15:11 23:4,20
29:18 32:12,13 39:20 45:25
46:24 48:20 49:16 50:14 52:23
53:19 54:3
describing (1) 46:14
deserved (1) 49:10
determines (1) 4:10
developed (1) 68:21
developer (8) 58:13 59:11,12,14
59:18,23,25 60:5
developing (1) 20:20
device (3) 61:25 62:2,4
different (4) 8:25 13:8 44:16 46:8
differently (1) 52:10
direct (1) 27:13
direction (2) 35:22 40:10
Director (11) 1:14 2:4 3:15 26:13
26:15,21 51:10 55:22 62:8 64:14
65:10
dirtyest (1) 34:11
disagree (1) 40:22
disciplinary (4) 49:21 50:17 51:16
51:20
discipline (11) 32:8 46:2,15 48:19
49:9 53:18 54:2,4,17,18,19
discourtesy (2) 27:22 32:2
discuss (4) 6:5 27:5 65:14 68:18
discussed (3) 5:5 41:10 44:7
discussing (1) 56:3
discussion (5) 22:19 23:14,18
65:3 66:3
disguised (1) 38:17
disposed (1) 49:19
disposition (2) 43:4 50:15
dispositional (1) 49:15
dispositions (2) 43:6 52:13
disproportionate (1) 65:23
dissipate (1) 24:5
distribution (1) 63:11
district (1) 55:7
Division (2) 28:16 30:21
docket (7) 28:14,18,25 29:4,10,15
29:16
documentation (1) 42:12
documents (1) 15:10

dogs (1) 58:6
doing (13) 9:2 10:17,17 11:17
16:23 22:3 23:5 42:7 47:10 52:7
62:23 66:24 67:17
door (1) 36:15
drafted (1) 9:7
dramatic (1) 45:23
dramatically (2) 43:10,10
drop (1) 49:10
due (2) 4:13 61:21
DUNN (54) 33:19,23 36:20,24 37:4
37:13,16,19,25 38:4 39:23 40:4
41:14,21,24 42:3,18 43:2,13 44:6
45:2,7,13,20 47:18 48:3,5,11,18
48:24 49:12 50:5,11,23 51:5,12
51:16,24 52:3,8,17 53:2,14 54:6
54:8,11,22,25 55:13,16,21 56:5,9
56:18
dupes (1) 49:23
Dylann (2) 61:13,14

E

E (4) 1:12,12 71:1,1
E-U-N-U-C-H (3) 60:19,20 61:10
Eason (3) 3:5 22:8,21
easy (2) 25:3 54:12
education (1) 63:22
effect (2) 14:7 42:5
efficiency (2) 30:7 38:13
efficiently (1) 29:9
eighth (1) 31:16
either (2) 16:6 46:19
elaborate (1) 8:6
eloquently (1) 25:22
embarrassing (1) 35:6
emphasis (2) 38:13,15
encourage (1) 56:24
engage (1) 24:20
engaged (2) 43:16 55:9
engaging (1) 9:17
enjoy (2) 60:24 61:8
entirely (1) 49:17
entitled (2) 5:23,24
era (1) 39:4
Eshwarie (2) 64:6,7
Esq (7) 1:13,14 3:4,6,8,9,15
estimated (1) 63:4
evening (1) 62:12
event (5) 64:25 65:5,10 66:16 69:2
events (3) 64:18 66:7,10
everybody (3) 4:7 22:25 35:4
evidence (5) 24:23 32:5 39:7 42:10
42:14
exact (1) 12:7
example (2) 23:19 38:20
exchange (1) 20:13
executive (15) 1:14 2:4 3:15 5:2

**Civilian Complaint Review Board-Draft
December 9, 2015**

16:24 26:13,15,21 28:19 51:10
55:22 62:8 65:9 69:14,19
exercising (1) 9:11
exonerated (1) 35:21
expand (1) 69:5
expected (1) 53:15
experience (2) 24:17,23
experiences (1) 66:2
explanation (1) 53:11
exposed (1) 60:16
extent (2) 9:14,14

F

F (2) 1:12 71:1
face (1) 31:9
fact (5) 39:2 40:13 47:7 53:3,19
factor (1) 42:6
fair (4) 22:18 45:11 47:19 64:21
fairness (1) 13:14
fall (1) 13:9
far (4) 41:3 46:25 47:3 49:20
favor (1) 11:17
fear (1) 25:8
fearful (1) 13:6
February (2) 30:16,19
feces (3) 58:8,19,20
feedback (1) 66:5
feel (3) 11:9 24:10 35:19
feeling (2) 14:6,10
feelings (1) 12:22
felt (1) 18:25
female (1) 61:24
fiduciary (4) 59:7,9,20,22
fifteen (1) 68:9
fifty (1) 44:15
fifty-eight (1) 63:14
fifty-four (1) 68:13
figure (4) 30:10,12 33:6 35:3
final (2) 49:13 56:18
finalized (1) 32:17
Finally (1) 32:25
find (3) 10:9 12:25 52:3
first (8) 17:15 21:8 22:9 26:14,23
30:10 65:2 68:25
fit (1) 26:7
five (4) 33:16 44:14 57:3 67:22
five-month (2) 39:6,8
flag (1) 61:14
flip (1) 11:9
Floor (1) 1:8
fluctuates (1) 48:25
focus (1) 38:21
FOIL (4) 36:8,22 37:2,11
folks (6) 36:17 38:25 39:14 43:15
48:19 56:25
follow (2) 17:9 19:5
followed (3) 63:16,22 65:18

force (3) 27:23 31:24 60:22
foregoing (1) 71:10
foremost (2) 22:10 26:23
form (1) 54:16
former (2) 57:15,16
forth (1) 26:19
forty-eight (1) 68:4
forty-one (1) 62:22
forum (2) 65:3 68:12
forward (1) 67:9
fought (1) 61:17
found (3) 43:15,16 55:8
four (2) 29:12 63:7
four-and-a-half-hour (1) 68:21
fourteen (1) 65:8
Francis (1) 66:19
frankly (2) 5:16 14:11
free (1) 61:21
fresh (3) 42:10,12,13
front (2) 55:17 56:19
full (5) 27:8 29:20,23,25 42:18
fully (3) 31:5,19,22
function (1) 46:11
further (4) 22:15 56:20 66:8 71:12
future (1) 23:23

G

G (1) 3:11
gaining (1) 14:8
Gay (1) 68:17
Gene (1) 34:9
general (2) 46:15 47:11
generally (3) 33:8 40:10 47:6
getting (6) 10:2 40:12 42:24 53:5
58:15 67:9
give (17) 6:7,8 9:20,22,23 20:7
33:17 35:9,11,16 36:3,5,6,7
42:18 54:13 64:10
given (1) 6:4
giving (3) 6:15 35:8 64:13
glad (2) 10:20 64:24
go (8) 4:11 17:23 20:5 26:18 39:10
40:3 46:21 48:25
GOAL (1) 68:19
goes (2) 9:24 52:17
going (35) 4:11 6:7 9:2,21 17:23
20:17 21:24,25 24:24 25:5 34:5
34:13,15,16,18,19,20,22,22
35:19,23,24 38:7 40:9 47:13,16
48:7,8 49:3 52:18 53:4 54:14
55:5 61:4 64:9
good (16) 10:20 12:16 15:24 17:3
20:2 21:23 39:15,16 40:25 44:4,9
47:10 48:12 57:9 62:12 64:13
gospel (2) 60:18 61:11
government (1) 14:5
Grant (2) 61:15,16

graphs (1) 65:21
gratifying (1) 66:6
great (6) 9:4 10:17,17 34:17,21
57:9
greatest (4) 5:19 9:13,14,17
group (1) 63:21
groups (4) 63:10,19,24,25
guess (3) 6:19 36:15 41:21
guilties (2) 51:4,6
guilty (1) 32:18
guy (2) 37:6 54:13
guys (6) 34:16,17,24 35:3 37:20
52:4

H

half (1) 45:16
Hall (1) 66:12
hand (1) 71:17
handled (1) 28:23
hands (1) 15:16
happen (2) 47:14,15
happened (2) 39:9 52:4
happening (3) 38:15 43:23 53:11
happy (4) 15:24 20:24 22:23 53:8
harems (2) 60:21 61:12
head (2) 20:16 21:14
heads (1) 21:5
hear (2) 33:15 42:2
heard (2) 14:19 21:8
held (1) 65:2
helpful (1) 57:6
hereunto (1) 71:16
Heritage (1) 66:11
Hetrick-Martin (1) 66:17
hey (1) 53:9
Hi (1) 10:20
high (1) 63:21
higher (5) 42:14 43:11 52:22 54:9
63:21
highest (4) 31:15 63:6,6,21
highlight (2) 15:18 31:12
highlights (1) 27:7
Historically (1) 11:22
history (5) 8:9 12:4 19:14 21:2
31:16
hold (2) 29:3 39:5
homeless (3) 67:25 68:6,7
homework (1) 22:4
homosexual (1) 60:16
hope (1) 69:5
horses (3) 58:2,14,15
hosted (1) 66:13
hotel (2) 59:8,9
huge (1) 41:17
hundred (1) 44:16
hundreds (2) 60:21,23
hung (2) 61:21,21

**Civilian Complaint Review Board-Draft
December 9, 2015**

<p>husband (1) 59:12</p> <hr/> <p align="center">I</p> <p>idea (4) 34:21 36:17 44:12 47:20 identified (1) 44:2 identity (1) 10:10 ldi (2) 59:2,4 immediately (1) 24:19 impact (2) 13:9 64:13 important (4) 13:14 41:9 43:17 48:15 impose (1) 47:4 imposed (1) 46:16 imposing (2) 49:9 54:2 imposition (1) 48:10 improved (1) 43:21 included (1) 65:20 includes (2) 29:4 52:12 increase (3) 28:11 41:15,17 independence (1) 23:15 independent (4) 23:16,21 29:17 46:7 indicated (1) 59:13 indicating (6) 27:17 34:16,17 50:13 51:15 57:12 individuals (2) 65:24 67:25 inflicts (1) 14:4 influenced (1) 23:22 information (9) 5:9 6:3,17 8:7,10 8:10 10:7 19:3 23:6 informative (1) 66:6 informed (1) 1:24 Initiative (1) 69:3 initiatives (1) 66:24 instance (1) 47:7 instances (2) 13:3 47:8 instinct (1) 19:3 Institute (1) 66:17 institutions (1) 63:22 instructions (3) 54:13,17,19 intense (1) 66:3 intent (1) 10:10 interest (1) 7:2 interested (2) 6:23 71:14 interesting (3) 41:13 43:3,9 interests (1) 24:16 internally (1) 9:3 interviewed (1) 64:17 intimidate (2) 24:24 25:7 intimidation (5) 24:18,21 25:4,8,9 intrigued (1) 33:24 introduce (1) 65:13 investigated (3) 31:3,6,22 investigates (1) 31:19 investigation (3) 29:25 42:22 43:22 investigations (14) 28:16 29:6,20</p>	<p>29:23 30:7,21 32:4 42:8,13,21 43:4,6 55:10 64:11</p> <p>investigators (1) 29:19 involved (1) 24:16 involves (1) 13:23 irony (1) 19:11 Island (5) 27:2,3 56:2 63:18 67:4 issue (10) 4:25 5:4 6:9 16:7 21:22 33:20 43:25 45:10 48:9 56:4 issues (2) 5:4 7:2</p> <hr/> <p align="center">J</p> <p>jail (1) 59:13 Janette (2) 3:8 34:14 January (7) 4:13 26:25 27:17 28:4 29:20 30:16,19 Jefferson (2) 61:20,20 job (7) 10:17,18 21:16 47:10 59:15 60:4 64:21 Joe (1) 23:10 John (1) 50:25 Joseph (2) 3:10 65:15 journalists (1) 15:15 judge (2) 12:21 60:4 Julia (1) 61:15 July (2) 39:3,8 Junior (1) 65:18 juries (3) 8:14 9:6,6 jury (4) 59:25 61:18,21,22 justified (1) 48:15 justify (1) 18:2</p> <hr/> <p align="center">K</p> <p>K-9 (4) 57:24 58:8,19,20 K-9s (1) 58:17 keep (4) 18:20 33:16 55:4,17 kept (1) 46:17 key (1) 31:13 killed (1) 59:3 kind (10) 12:9 13:15 15:22 16:7 19:10 20:21 24:9,10,18,25 Klan (1) 59:4 Klux (1) 59:3 know (55) 12:6,6,20 13:3 14:19,19 14:21 15:9,15,23 16:8,11,13,15 16:16 18:16 19:12 20:11 22:3,10 22:11 24:3,9 25:2,4,14 33:25 34:2,5 36:7,14 37:4,23 41:2,17 43:18 44:8 48:3,6 50:8 52:19 54:11 56:9,19 57:20,21,24 58:4,6 58:7,10,11,11,24 61:12 knowing (1) 10:10 knowledge (1) 64:12 known (1) 59:9 knows (2) 35:10,12 knuckling (1) 53:6 Ku (1) 59:3</p>	<p>Kuntz (2) 12:21,22</p> <hr/> <p align="center">L</p> <p>L (7) 1:17 59:9,13,20,24 71:6,21 labeling (1) 49:15 laid (1) 22:15 land (2) 58:12,13 language (2) 27:25 32:3 larger (1) 40:8 Laughter (3) 37:9 48:4 56:17 lay (1) 22:24 leader (1) 61:19 leads (1) 60:20 League (1) 68:17 leaked (1) 15:12 led (1) 65:11 leeway (1) 33:17 legislature (1) 9:15 length (1) 42:20 Lenny (8) 59:9,13,17,19,24 60:3,4 60:5 let's (6) 19:20 33:15 34:25 36:2 38:6 56:10 level (4) 9:3 23:25 46:17,23 LGBTQ (14) 63:24 65:2,6,9,16,24 65:25 66:5,17,22 68:8,11,13,22 Library (1) 27:2 life (1) 24:23 lift (1) 45:12 light (1) 13:8 liked (1) 22:10 Lindsay (8) 3:5 10:13 21:4 25:21 33:25 34:4,20 38:8 line (2) 34:12 50:16 list (1) 34:23 little (5) 8:12 16:3 33:17 36:16 41:20 live (1) 61:14 lives (1) 35:25 locations (2) 4:5 63:9 Locke (2) 68:16,20 long (7) 8:8,15 26:25 27:3 42:19 46:21 56:23 long-lost (1) 56:20 look (10) 5:12,20 10:7 12:17 20:10 21:14 22:4 37:24 49:7 51:22 looked (2) 12:24 13:7 looking (2) 35:24 67:8 losing (2) 60:13,17 lost (2) 47:13 55:20 lot (10) 14:3,4,5,12 17:7 25:4 38:23 39:12 43:14 58:4 Lots (1) 13:25 love (4) 12:4 25:13 33:19,22 luncheon (3) 65:2 68:11,15</p> <hr/> <p align="center">M</p>
---	--	--

**Civilian Complaint Review Board-Draft
December 9, 2015**

<p>magic (1) 40:25 Mahadeo (1) 64:6 main (1) 43:11 making (2) 13:16 48:13 male (4) 60:22,24 61:8,25 Malik (8) 1:14 3:15 26:15,21 51:10 55:22 62:8 65:10 man (2) 59:8 61:16 Manhattan (4) 56:11 57:21,22 63:12 manifest (1) 24:17 Mark-Viverito (2) 66:14,20 marks (1) 31:16 marriage (1) 71:14 matter (6) 24:12 43:3 44:16 47:20 71:10,15 matters (1) 27:5 mayor (2) 57:25 66:13 Mayor's (1) 39:21 mean (20) 13:15 14:13 16:20 17:13 18:17 19:10,12,15,19,24 20:9 36:2 37:11 38:18,18 42:19 44:9 58:4,17 61:11 meaningless (1) 44:15 means (2) 33:21 50:2 meant (1) 58:24 measure (2) 30:6 33:3 media (1) 59:2 mediation (2) 2:7 28:23 meet (1) 33:8 meeting (7) 1:4,19 2:2 4:3 15:25 26:24 27:4 meetings (6) 4:11 19:21 55:6 63:23 67:10,12 Melissa (1) 66:14 member (7) 12:2 15:19 25:20 34:23 65:15 66:20 69:4 members (6) 3:2 8:24 16:10 47:24 65:6,7 Members' (1) 67:17 membership (2) 60:14,17 memorialized (1) 13:6 memories (1) 42:11 men (2) 60:20,21 Menchaca (1) 66:21 mention (1) 64:19 mentioned (1) 44:13 microphone (1) 11:5 middle (3) 20:17,19,20 middleman (1) 60:8 Mina (8) 1:14 3:15 16:24 21:12 38:10 40:17 56:13 65:10 mind (1) 40:5 minds (1) 42:11 minimum (1) 17:14 minutes (6) 1:22 4:15,22 12:18 33:16 57:3</p>	<p>mischievous (1) 36:5 misconduct (7) 32:10,21 38:16 41:4 43:16 65:25 66:3 missing (1) 44:10 Mitchell (1) 3:11 mixed (1) 46:9 Mm-hmm (4) 15:13 26:3 45:19 52:25 molesters (1) 60:16 money (1) 60:6 mongering (1) 25:6 month (8) 28:7 30:10 31:10,13,17 40:14 66:12 67:13 monthly (5) 2:5 27:8,9 28:5 44:5 months (4) 29:12,13 49:23 59:16 motion (2) 69:18,21 move (2) 4:15,17 multiple (1) 62:23 mystery (2) 9:4,9</p> <hr/> <p align="center">N</p> <hr/> <p>N (1) 45:8 naive (1) 38:7 name (3) 18:14 36:10 37:19 named (1) 60:7 names (3) 7:10 18:4,20 narcotics (1) 59:13 nations (1) 60:8 nature (1) 19:18 nearly (2) 53:25 63:2 necessarily (1) 42:23 need (1) 66:8 needs (2) 23:17 43:18 negative (1) 14:12 negotiation (1) 20:22 Negra (7) 59:4,11,12,14,23,24 60:5 Negro (2) 59:11,18 neighborhoods (1) 57:22 never (4) 37:4 38:22 44:7 54:13 new (18) 1:9,9 2:10 28:10 29:18 30:7 33:2 39:4 55:23,24,25 58:3 58:7,9,16 69:13 71:2,8 news (1) 59:2 nice (1) 37:6 Nicole (1) 65:17 nine (3) 29:4 67:23 68:10 nobody's (1) 21:24 Nodding (1) 69:16 non-APU (1) 54:5 normally (1) 38:21 notable (3) 64:18,25 66:16 Notary (1) 71:7 note (1) 12:7 noted (1) 70:4 notes (4) 12:18 13:4,5 20:5 noticed (1) 39:7 notion (2) 35:15 49:22</p>	<p>November (31) 27:18 28:4,9,12,13 28:15 29:3,4,14,21 30:4 31:5,11 31:14,16,21,23 32:9,16,24,25 39:3,9 62:15,24 63:15,19 64:18 64:23 65:4 66:12 number (12) 18:18 33:3,7,9 36:13 40:25 41:9,15 44:5,12 48:24 65:24 numbers (5) 29:15,16 38:24 44:9 49:11 NYCHA (3) 63:25 67:14,18 NYPD (5) 8:8 17:15,24 68:18,20</p> <hr/> <p align="center">O</p> <hr/> <p>O (1) 1:12 O'Grady (6) 57:8,11,15 61:2,4,7 obviously (2) 14:2 47:8 occurred (3) 14:14 64:19 65:3 occurs (1) 63:5 October (8) 28:11,18,22 29:2 30:17,20 62:19 63:5 offense (1) 46:18 offensive (2) 27:24 32:3 office (4) 29:17 32:12 39:21 69:5 officer (4) 36:10 37:22 47:2 68:24 officers (7) 14:9 32:18,23,24 41:6 55:8 68:17 offices (2) 56:4 67:17 officials (1) 9:10 okay (30) 4:22 7:23 10:25 11:6 18:15,17,23 26:4 33:19 35:10,25 41:14,24 43:17,23 48:5,11 49:12 51:3 52:14,15 53:2,13 55:16,21 56:5 61:6 62:10 69:12,23 old (2) 2:9 69:13 once (2) 10:9 15:2 one-third (1) 42:9 ones (1) 34:21 open (10) 14:7 17:3 20:14 22:19 28:14,25 29:11,13 36:15 65:3 opened (2) 28:9 59:22 opening (1) 16:25 openness (1) 14:11 operations (1) 27:6 opinion (1) 23:21 opportunity (1) 20:3 opposed (3) 4:20 10:19 69:24 opt (1) 47:16 order (3) 1:21 4:3 26:12 organization (4) 19:14 21:13,23 65:12 organizations (7) 65:6,8 68:4,6,6,8 68:13 organized (1) 65:10 organizers (2) 65:16,25 outcome (4) 42:23,24 46:12 71:15 outreach (15) 2:8 62:9,14,20,21,22</p>
---	--	--

Civilian Complaint Review Board-Draft
December 9, 2015

63:8 64:4,9,13,15 66:25 67:18
68:5,19
overall (1) 46:14
owed (1) 60:5

P

p.m (2) 1:6 70:4
pace (1) 63:2
page (4) 50:13,21,23 51:20
paid (1) 59:15
panel (4) 7:11 25:20 47:22,24
panels (5) 5:7,9 33:4,8 46:7
parishes (3) 60:13,14,17
parole (2) 16:11,11
part (2) 52:8,19
partake (2) 60:25 61:9
particular (14) 5:14,25 7:5 8:3,23
8:24 11:8 15:18,19 24:7,7 38:21
40:23 42:23
particularly (1) 6:11
parties (2) 6:25 71:13
partnering (1) 68:18
Partners (1) 69:3
patterns (5) 7:4 8:23 10:7,9 13:11
pay (2) 59:16,18
paying (1) 43:19
PD (8) 1:24 11:18,25 12:10 13:10
15:2 18:21 50:10
pejoratively (1) 38:18
penalty (3) 32:13 48:10 50:16
pending (5) 28:19,21 29:7 50:2,18
people (12) 13:4 15:21 19:22 24:7
24:25 25:7 35:7 46:11 57:23 58:6
58:11,19
people's (1) 42:11
percent (41) 27:13,23,24,25 28:3
28:17,20,24 29:11,12,23 30:2,15
30:18 31:6,7,10,15,18,20,24,24
32:2,6,7,9,15 39:11 40:11 41:4
41:15 44:18,24 45:21,22 46:23
49:2,2 52:22 53:21,22
percentage (4) 30:8,24 45:5,17
percentages (2) 44:11,14
perception (1) 47:5
period (9) 4:8 27:20 29:22 32:15
38:21 39:6,8 40:6 42:6
perjury/false (1) 55:9
permutations (1) 18:18
personnel (1) 37:17
pertaining (1) 27:6
phonetic (2) 38:3 59:5
picking (1) 40:6
picture (1) 40:9
piece (2) 14:11 44:8
place (3) 10:23 56:10 66:18
plead (1) 46:22
please (4) 11:21 12:3 17:11 27:10

point (6) 23:25 26:11 40:8,11,21
48:12
pointed (1) 47:21
police (30) 5:6 6:7,16,21 9:20,22
10:3,16 11:18 13:11 14:9 15:11
23:4 27:12 29:18 32:10,12,16
38:16 39:20 45:24 46:24 47:2
49:9 54:2 55:8 65:25 66:2,25
68:23
policy (2) 9:25 11:14
political (1) 61:19
popping (1) 60:10
position (3) 16:6 64:5,15
positions (1) 25:12
possible (5) 5:20 9:14 17:2 19:4
33:18
potentially (2) 60:24 61:8
PowerPoint (1) 65:19
preceded (1) 52:11
precedent (1) 17:8
Precinct (3) 63:23 67:10,11
precincts (2) 67:2,4
PRESENT (1) 3:2
presentation (6) 38:11 44:11 65:19
66:25 68:2,22
presentations (20) 62:16,18,21,22
62:23,25 63:2,10,12,15,16,17,20
63:24 67:3,8,11,15,21 68:5
presented (1) 52:9
presenting (1) 47:10
President (1) 68:16
presidential (1) 25:6
press (1) 38:25
pretty (1) 44:25
previous (1) 16:8
pride (1) 40:21
priests (1) 60:15
primary (1) 54:15
private (1) 13:25
probably (7) 5:18 6:8 10:13 12:16
13:9 36:12 52:6
probationers (2) 63:25 67:20
problem (5) 5:17 6:15,17 22:7
42:20
problems (1) 58:5
proceed (1) 16:2
proceedings (70) 1:10 4:1 5:1 6:1
7:1 8:1 9:1 10:1 11:1 12:1 13:1
14:1 15:1 16:1 17:1 18:1 19:1
20:1 21:1 22:1 23:1 24:1 25:1
26:1 27:1 28:1 29:1 30:1 31:1
32:1 33:1 34:1 35:1 36:1 37:1
38:1 39:1 40:1 41:1 42:1 43:1
44:1 45:1 46:1 47:1 48:1 49:1
50:1 51:1 52:1 53:1 54:1 55:1
56:1 57:1 58:1 59:1 60:1 61:1
62:1 63:1 64:1 65:1 66:1 67:1

68:1 69:1 70:1 71:9,11
process (7) 13:14 14:4 16:25
20:14 53:25 56:3,22
processes (4) 13:24 14:5 19:4
46:25
product (1) 43:22
production (1) 43:21
productive (1) 25:7
profoundly (2) 14:3 49:8
program (1) 28:23
projected (2) 62:17 63:4
proposals (1) 53:8
proposition (1) 47:11
prosecutes (1) 32:20
Prosecution (2) 32:19,22
Prosecutor (1) 65:17
prospect (1) 55:7
proud (1) 52:20
provide (4) 6:14 8:2,20 27:7
provided (1) 5:8
providing (3) 6:17,19 17:23
public (20) 1:4,19 2:2 5:5,24,25
9:10 12:10 14:9,21,24 15:5 19:22
24:12 26:14,24 33:13 43:18 56:8
71:7
Puerto (1) 66:11
pull (1) 20:6
Puma (4) 3:10 23:8,11 65:15
purports (1) 50:13
push-back (1) 54:14
put (7) 15:25 20:24 24:15 26:2
38:25 39:25 59:4
putting (1) 11:4

Q

quality (1) 42:14
quarter (2) 33:6,10
Queens (2) 56:16 63:12
question (6) 7:16 10:4,8 13:16
36:19 43:24
questions (1) 26:20
quick (2) 46:4 55:3
quickly (1) 42:15
quite (4) 5:16 9:5 14:11 40:4
quorum (1) 4:6

R

R (2) 1:12 71:1
raised (3) 16:8 55:5,6
raises (1) 35:16
raising (1) 55:4
ramifications (1) 20:12
Rangel's (1) 64:21
rate (10) 31:10,14 32:9,14 40:21
40:24 43:12 45:21,22 54:9
rates (1) 45:8
reached (1) 68:14

Civilian Complaint Review Board-Draft
December 9, 2015

8

reaction (1) 13:21
read (1) 49:18
reading (1) 49:17
ready (1) 69:14
real (1) 24:23
really (10) 4:25 7:20 11:12 19:13
19:23 20:10 36:14 38:17 53:4
64:24
reappoint (1) 10:19
reason (17) 4:10 8:11,18,20,21
11:8,10,11,15 13:2,13 19:19
25:12 35:2,2 37:8 52:6
reasoning (1) 11:23
reasons (3) 13:20 23:4 49:8
receive (2) 33:5 54:3
received (8) 27:18 28:5 30:9,16,18
31:2 66:6,9
recommend (1) 48:19
recommendation (1) 52:24
recommendations (4) 32:13 45:14
52:18 53:20
recommended (2) 45:16 54:3
recommending (1) 45:25
record (4) 25:19 37:17 56:23 71:11
recruiting (1) 64:14
redact (2) 36:10,10
refer (1) 27:10
referrals (1) 56:13
referred (2) 49:22 61:24
referring (4) 50:8 51:11,12 55:7
reflected (1) 30:6
reflects (1) 28:10
reforms (5) 30:2,11,13,23,23
regard (2) 31:21 66:24
regarding (4) 27:16 63:9 66:4
68:22
related (1) 71:12
release (5) 14:20,23 15:2 20:11
39:2
releasing (1) 15:5
reliable (3) 42:24 47:17 53:25
reluctant (3) 8:12,17 23:11
remain (2) 16:12 29:10
remember (5) 12:13 16:6,9,17
39:19
reminds (1) 34:9
reopened (1) 29:5
repeatedly (1) 40:18
replace (2) 13:12 34:19
report (17) 1:23 2:4,5,7,8 4:24 23:3
26:13 27:8 40:20 41:10 44:5 45:3
55:2 56:21 59:2 69:7
reported (2) 1:16 71:9
Reporter (1) 71:7
reporters (1) 15:15
reports (6) 2:6 38:9 49:14 62:6,6
69:10

reposted (1) 64:4
representing (3) 28:16,20,24
represents (1) 44:13
request (2) 5:6 13:21
Requested (1) 1:24
requests (1) 66:7
require (1) 47:9
research (5) 12:17 13:19 16:3 20:4
20:25
researched (1) 12:25
residences (2) 67:14,18
resolved (1) 31:7
respect (2) 8:25 17:18
response (4) 4:21 26:8 69:11,25
responsibility (1) 24:5
responsible (1) 24:4
result (3) 5:9 33:22 46:25
resulted (1) 12:9
resulting (1) 29:22
results (3) 24:2,4,6
resumes (1) 64:16
review (6) 1:3 4:4 27:9 28:20,21
29:7
reviews (1) 23:16
Rican (1) 66:11
Richard (8) 1:13 3:4 8:4 39:24
43:20 48:13 50:12 53:15
richest (1) 57:22
RICHMOND (1) 71:3
right (29) 7:12 10:5 16:16 20:21
21:9 23:7,15 26:9,20 36:22 37:3
37:7 38:9 42:25 44:19 45:6,21
47:18 51:2,14,24 52:2 53:23
54:10,22,25 55:24 57:14 69:17
Robia (4) 44:19 50:19,25 51:8
roll (2) 67:2,7
Roman (2) 60:12,15
Roof (2) 61:13,15
room (3) 27:4,15 53:24
roots (1) 60:19
ruled (1) 60:5
run (1) 56:11
Russianoff (1) 34:10

S

safe (3) 59:21,22 60:6
Sal (10) 10:13 21:4 24:10 33:25
34:3,19 35:20,21,23 38:8
salary (3) 59:19,23 60:2
Salvatore (1) 3:7
saying (10) 17:5 24:6 44:21 45:9
45:24 48:20,23 49:6 53:9,10
says (2) 45:4,4
scenario (1) 59:6
scheduled (2) 67:22 68:10
scheduling (4) 67:6,12,23 68:5
school (1) 7:25

schools (1) 63:21
score (3) 34:15,16,18
screen (1) 30:6
screens (2) 27:14,15
second (7) 4:18,19 17:22 30:12
51:9 63:6 69:22
secrecy (6) 8:15 13:23 14:4 16:21
19:13 25:13
security (1) 60:22
see (19) 5:11 8:22 11:7,15 12:12
15:17 16:19 21:2 22:25 23:24
26:7 35:20,24 47:23 53:16 57:10
57:23 58:18,25
seeing (1) 18:13
seen (1) 15:10
selected (1) 64:5
selecting (1) 64:16
semi-annual (1) 40:20
sending (1) 53:7
senior (3) 59:7,20,22
sense (4) 25:25 46:14,15 47:21
sensitive (1) 26:6
sensitivity (1) 68:22
sent (1) 32:11
separately (1) 6:5
serious (4) 32:20 47:8 48:21 53:7
serve (3) 15:21 65:9 66:5
service (1) 9:7
services (1) 67:19
Session (3) 5:2 69:15,19
set (1) 71:16
settle (1) 56:5
seven (2) 29:13 48:6
seventeen (1) 63:17
Seventy-one (1) 41:14
sex (1) 60:22
share (1) 24:2
shared (1) 66:2
sharing (2) 11:24 23:19
She'd (1) 56:15
sheet (6) 5:8 7:18,18,20 33:20
36:12
sheets (4) 11:25 17:24 23:19 38:5
ship (1) 60:11
Shorthand (1) 71:6
shortly (1) 69:6
show (6) 21:18,20 27:15 30:8
43:10 49:20
showing (1) 65:22
shows (5) 30:11,13,20 33:6 50:16
shut (1) 14:14
side (3) 11:9 16:6 59:8
sides (2) 19:25 22:4
sight (1) 55:20
significance (5) 38:23 39:13,14,18
40:23
significantly (1) 39:4

**Civilian Complaint Review Board-Draft
December 9, 2015**

simply (1) 13:22
Simpson (1) 61:15
single (2) 41:8 54:15
sir (1) 57:10
sites (3) 62:24 67:20,24
six (3) 29:5 59:15 67:21
Sixty (1) 51:14
slave (2) 60:9,10
slaves (1) 60:10
slowest (1) 34:11
smaller (1) 30:24
somebody (2) 35:11 37:10
soon (2) 47:23 56:25
sorry (2) 4:4 65:21
sort (3) 8:16,17 17:16
Speaker (2) 66:14,20
special (1) 65:21
specific (2) 7:11 13:20
specifically (2) 33:3 65:5
specter (1) 25:3
speculating (2) 13:18 42:17
speculation (1) 24:20
speeches (1) 65:18
spin (2) 49:5 53:9
spiritual (1) 61:19
spoke (1) 60:18
spoken (1) 61:10
sponsored (1) 66:19
spotlight (1) 15:22
ss (1) 71:3
St (1) 66:19
stabled (1) 58:14
stables (1) 58:14
staff (3) 16:24 21:2 28:19
staffing (1) 64:3
stand (3) 25:11,19 57:14
start (2) 17:16 56:10
started (1) 67:9
starting (1) 4:12
state (3) 9:15 71:2,7
statement (1) 13:16
statements (1) 55:9
Staten (3) 56:2 63:18 67:4
states (1) 14:6
station (1) 34:12
statistical (1) 27:8
statistics (3) 27:9 31:13 62:20
stay (1) 59:14
step (2) 17:23 18:4
stick (2) 24:12 55:5
stone (1) 46:6
stopped (1) 60:2
straight (1) 31:17
street (3) 1:8 27:3 43:23
streets (4) 58:3,7,9,16
Strength (1) 59:10
strides (1) 62:15

strong (4) 6:11 8:18,20 12:22
study (3) 5:11 43:9 48:9
stuff (1) 35:5
Sturges (3) 1:17 71:6,21
sub (2) 6:18,20
subbed (8) 5:10,15 6:24 18:2,20
 21:20 35:19 41:7
subject (1) 65:24
Submit (1) 66:18
substantiated (9) 31:18,20,23 32:5
 32:7,11 41:3,16 46:2
substantiation (6) 31:14 40:17,21
 40:24 43:12 45:7
substitute (1) 35:9
subway (2) 34:11,12
success (1) 42:21
successfully (1) 61:17
sued (1) 59:24
sufficiently (1) 25:15
suggestion (1) 44:4
superb (1) 65:19
superficially (1) 49:5
support (3) 9:24 22:22 68:7
supporting (1) 65:16
suppose (1) 18:22
supposed (2) 21:17 58:19
supposition (1) 33:24
sure (10) 11:3 19:7 23:10 25:21
 26:15,21 39:17 49:17 54:6 58:4
surpassed (1) 62:16
surprised (2) 40:5 50:12
swell (1) 36:17
switch (1) 26:12

T

T (2) 71:1,1
table (7) 44:7 45:4 49:18 50:13
 52:9,10,11
tables (1) 49:16
tailored (1) 65:5
take (6) 11:3 17:7 19:20 51:22,24
 53:8
taken (1) 60:6
takes (2) 33:4 49:13
talk (6) 5:3 20:18 25:5 26:5 46:12
 54:23
talked (4) 40:18,18,19 42:20
talking (2) 19:13,20
tangible (1) 24:17
targeted (1) 13:7
Taylor (19) 3:11 11:20,22 12:5,15
 14:15,18,25 15:4,7,9,14 19:5,8
 25:16,18 26:3 34:14 69:20
tell (5) 11:7 34:4 41:19 49:24 50:20
tells (1) 24:24
ten (1) 47:13
tend (1) 11:16

tends (1) 9:18
term (3) 23:13,14,15
terms (3) 15:20 19:14 20:13
terrific (1) 38:14
test (1) 56:11
thank (9) 57:5,7,11,11 61:6 62:5,11
 69:8 70:2
thanks (2) 11:6 70:3
Therese (3) 1:17 71:6,21
thing (8) 9:18 17:4 20:16 21:23
 37:12 48:2 49:14 56:18
things (11) 4:9 15:14 16:22 19:18
 20:4,4 36:9 37:20 38:17 55:3
 65:23
think (71) 5:17 6:12,19 7:18,19,25
 8:21 9:2,4,10,13 10:12,16 12:15
 12:24 13:13 14:12,15 15:19 16:2
 16:23 17:3,20,20 19:10,18,25
 20:9,15,25 21:22 22:12,13,14,17
 23:14,17,19 24:15 25:2,10,25
 26:6,12 35:18 36:4 37:13,14
 38:16 39:15,19 42:15 43:9 44:3
 44:18 46:5,13 47:6 48:21,23 49:6
 50:4,5,7 54:18,20 56:12,13 58:8
 64:9,11
thinking (3) 16:15 22:24 24:19
thinks (1) 18:19
third (4) 20:8 31:15 51:17 53:16
thirteen (1) 67:15
thirty (1) 62:15
thirty-three (1) 63:16
thought (3) 19:2 37:5 39:24
thoughts (1) 15:24
three (5) 27:14 29:6 33:11 56:6
 58:18
thrilled (1) 56:12
thy (1) 35:17
ticketed (1) 58:20
time (24) 12:21 13:18 16:13 19:22
 22:12 27:20 28:8 29:22 31:3
 32:14 33:9 38:25 40:6 41:5 42:7
 42:9 43:5,7 45:18 48:25 56:23
 64:17 68:25 70:4
tiny (1) 14:10
tonight (3) 4:6 5:3 48:2
top (1) 20:16
total (5) 28:13,17,18 50:15 63:7
tracking (1) 13:11
traction (1) 46:24
trade (1) 60:9
tradition (3) 8:14,16,18
training (1) 68:23
transcript (2) 1:10 71:11
transgender (1) 68:24
transparency (12) 6:13 9:16,19,25
 17:15 19:12,15,16,25 22:9,9
 23:12

**Civilian Complaint Review Board-Draft
December 9, 2015**

transparent (5) 5:19 6:25 9:21
17:16 20:14
treated (1) 8:11
trend (1) 29:14
trial (2) 53:24 61:18
trials (2) 32:22,24
tried (1) 58:5
true (4) 36:22,24 53:4 71:11
trumpeting (1) 39:2
truncations (1) 31:9
truth (1) 47:20
try (2) 33:15 56:25
trying (1) 21:13
turn (3) 17:25 18:6,20
turning (1) 18:2
twenty (1) 67:20
Twenty-eight (2) 50:24 51:19
twenty-five (1) 62:17
twenty-six (2) 62:21 67:11
two (6) 17:12 32:18 35:21 55:3,23
67:2
types (2) 8:25 16:21

U

ultimate (1) 46:9
Ulysses (1) 61:15
un-FOIL-able (1) 36:9
uncovered (1) 52:6
underlying (1) 42:21
understand (4) 21:21 44:23 55:23
56:21
unintended (2) 22:14 25:23
union (1) 37:11
Unit (5) 32:20,22 47:9 62:14 64:9
unprecedented (1) 65:4
unsub (1) 35:20
unsubbed (6) 18:4,7,14,19 21:21
35:16
upcoming (2) 67:16,24
update (2) 62:19 64:3
updates (1) 66:23
Upper (1) 59:8
upset (1) 35:18
use (1) 58:2
uterus (1) 61:24

V

vacant (1) 64:15
vacation (1) 47:13
various (1) 24:16
verbal (1) 12:23
verdicts (2) 32:17,19
versus (1) 48:9
Vesuto (1) 38:2
video (7) 32:4,8 41:22 42:4,16 44:8
44:10
videos (2) 44:10,18

view (3) 9:22 13:25 16:20
views (2) 6:11 21:4
violating (2) 19:16,17
violation (1) 5:22
visual (1) 38:10
vote (2) 11:14 33:4
voted (8) 5:13 7:13 10:11 34:24
35:11,13,20,21
votes (3) 7:21 35:22 48:6
voting (26) 1:24 5:8 7:4,18,18,19
8:2,22,24 11:24 12:10 17:24
21:15 23:19 33:20 34:2,3,6,6,7,8
34:8 35:4,4 36:12 38:5

W

wages (3) 59:19,23 60:2
Wait (1) 51:9
waiting (1) 56:23
walk (2) 57:20 58:18
walked (1) 61:20
wall (1) 34:13
want (35) 5:10,11,12,20,21,22 6:22
8:21 10:6 11:2,12,12 15:17 18:9
18:13 20:12 22:13,18 24:22
25:21 26:5 33:25 34:2,5,25 35:3
36:15 38:6 42:2 55:16 57:19
58:12,12 60:24 61:7
wanted (4) 22:19 23:8 25:18 60:22
wanting (3) 15:21 35:16 38:5
wants (6) 8:8 23:5 44:22 57:25
58:13 61:13
way (11) 5:14 6:12 8:22 16:2,14
17:19,20 21:15 22:2 49:6 71:14
ways (2) 17:2 66:4
we'll (8) 4:13 5:3 26:2 33:17 47:23
51:22 52:3,15
we're (26) 4:8,10 6:7,13 7:3 9:2
16:23 20:17,19,19 21:16 22:2
42:7 47:16 48:8 52:7 55:11 56:2
62:23,25 64:16 66:23 67:8,12,22
69:3
we've (4) 12:7 21:16 23:13 64:3
website (1) 27:10
weeks (1) 33:11
welcome (1) 64:7
welcomed (1) 65:11
went (1) 35:22
weren't (1) 13:4
West (1) 59:8
WHEREOF (1) 71:16
William (1) 39:5
willing (1) 24:20
window (3) 59:8,10,21
within-entitled (1) 71:10
WITNESS (1) 71:16
witnesses (1) 19:17
woman (10) 59:11,11,14,18,23,25

60:5 61:16 62:3,4
womb (3) 61:23 62:2,4
women (3) 60:21,23 61:9
wonderfully (1) 34:18
word (4) 48:21 60:19,20 61:10
words (2) 5:10 58:3
work (5) 52:15 57:12 59:17 65:14
65:20
working (5) 55:12,13 58:22 59:7
67:23
worries (1) 53:16
worse (1) 25:8
worst (1) 34:12
worth (1) 20:23
wouldn't (6) 18:3,9,13 21:20 36:21
58:25
wrap (1) 61:5
write (1) 7:14
writing (2) 13:5 23:2
written (1) 46:6
wrong (6) 16:16 39:22,23 40:9
53:13 54:21

X

x (2) 1:2,7

Y

yeah (17) 7:8 8:5 12:3,5 14:17 15:8
19:18,24 22:21 25:17 37:18,25
53:12 54:7 56:7 57:13 61:4
year (33) 28:8,12 29:22 30:10,25
34:10 38:24 39:8,12,15,16,16
40:13,14,15 41:2,3,5,5,8,16
42:10 43:15,17 45:18,23 49:2,20
59:16,18 60:3 63:3 68:25
year-to-date (7) 27:11,22 29:24
30:9 32:23 45:15 68:9
years (4) 12:19 19:20 60:9 63:7
yellow (1) 30:12
Yoon (5) 3:6 10:22,25 16:5 17:5
York (9) 1:9,9 29:18 58:3,7,9,16
71:2,8
Youngik (5) 3:6 10:20,24 11:4 16:4
youth (2) 63:25 66:17

Z

zero (2) 40:12 53:18

0

1

1 (1) 1:21
1,176 (1) 28:14
1,657 (1) 29:21
100 (2) 1:8 30:18
10th (2) 1:8 64:23
11 (3) 29:2 31:25 32:24

**Civilian Complaint Review Board-Draft
December 9, 2015**

<p>112 (1) 32:23 120 (1) 67:4 13 (1) 28:24 13th (1) 26:25 14 (3) 27:24 31:20 39:11 14th (1) 71:17 151 (1) 28:24 17 (1) 27:25 18 (1) 33:9 180 (2) 49:19 50:15 186 (1) 28:25 18th (1) 65:4 19 (3) 32:7 44:18,24 19th (1) 66:12</p> <hr/> <p style="text-align: center;">2</p> <p>2 (1) 1:22 2,004 (1) 29:19 20 (3) 27:23 31:18,24 2000 (1) 61:11 2010 (1) 33:7 2014 (6) 27:20 30:2,11,15,23 39:3 2015 (13) 1:5 27:18 28:5 29:4,21 30:3,13,17,22 31:5,14 33:7 71:17 21 (2) 29:23 33:11 21st (1) 27:3 224 (1) 62:25 25 (1) 30:2 26 (2) 45:21 49:2 260 (1) 63:2 27 (1) 31:15 28 (3) 50:13,23 51:20 280 (1) 41:6 29 (1) 28:20 291 (1) 28:11</p> <hr/> <p style="text-align: center;">3</p> <p>3 (2) 1:23 32:15 300 (1) 60:9 339 (1) 28:18 35 (1) 31:6 360 (1) 44:24 367 (1) 28:21 37-44 (1) 27:3 376 (1) 28:6 380 (1) 28:9</p> <hr/> <p style="text-align: center;">4</p> <p>4,137 (1) 27:18 4,491 (1) 27:19 408 (1) 28:7 45 (1) 32:6 463 (1) 28:11 479 (1) 41:8 48 (1) 31:7</p> <hr/> <p style="text-align: center;">5</p>	<p>5 (3) 2:4 28:3 31:24 50 (1) 46:23 50-a (4) 5:23 7:3 9:16 14:3 51 (1) 31:10 53 (2) 45:22 49:2 58 (1) 28:17</p> <hr/> <p style="text-align: center;">6</p> <p>6 (1) 2:6 6:30 (1) 1:6 60 (6) 49:20 50:16 51:13,17,20 52:4 62 (1) 53:22 686 (1) 28:15 692 (1) 28:17</p> <hr/> <p style="text-align: center;">7</p> <p>7 (1) 2:9 7:34 (1) 70:4 71 (1) 41:4 73 (2) 30:15 67:5 75 (1) 67:6 77 (1) 67:6 78 (1) 51:11</p> <hr/> <p style="text-align: center;">8</p> <p>8 (3) 2:10 27:13 40:11</p> <hr/> <p style="text-align: center;">9</p> <p>9 (1) 1:5 90 (1) 53:21 94 (1) 29:11 97 (1) 32:9 99 (1) 29:12</p>	
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