

Civilian Complaint Review Board Public Meeting
November 12, 2014

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PUBLIC BOARD MEETING
OF THE CIVILIAN COMPLAINT REVIEW BOARD

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Wednesday, November 12, 2014
6:45 p.m.
Community Board 3
Mosholu Montefiore Community Center
3450 DeKalb Avenue
Bronx, New York 10467

TRANSCRIPT OF PROCEEDINGS

RICHARD D. EMERY, ESQ., CHAIR
BRIAN CONNELL, ACTING EXECUTIVE DIRECTOR

PUBLIC MEETING AGENDA

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1. Call to Order
2. Adoption of Minutes
3. Report from the Chair
4. Report from the Acting Executive Director
5. Committee Reports
6. Old Business
7. New Business
8. Public Comments

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BOARD MEMBERS PRESENT:

Richard D. Emery, Esq., Chair

Lindsay Eason

I. Bennett Capers, Esq.

Daniel M. Gitner, Esq.

Brian K. Connell

Janette Cortes-Gomez. Esq.

Joseph A. Puma

Youngik Yoon, Esq.

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TESTIMONY GIVEN BY:

Ephraim Cruz

Edwin Figueroa
South Bronx Community Congress

Jose LaSalle
Copwatch Patrol Unit

Chris Dunn, Esq.
New York Civil Liberties Union

Shannon Jones

Jazmar Trario

Unknown Male Speaker
O'Grady Plumbing Contractor Incorporated

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CHAIR EMERY: We do have several people who want to talk later. Oh, here's -- now we do have a quorum. I was about to announce starting the meeting without a quorum, and now Mr. Capers has arrived and you'll see that we have everybody here, we have seven of the thirteen positions. And so, now we have a quorum and an official meeting.

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First of all, I want to say thank you to all of you -- Brian, if you could -- I'd like to acknowledge the people who helped arrange this -- If you could do that because it's a very -- something we're committed to going to the communities and having our meetings and having discussions in the communities at night when people who are affected by our work are -- we can make ourselves available to them. This is part of our ongoing effort to do that and we are going to continue this in the foreseeable future. I don't see any reason to change this protocol. Unless board members think otherwise, we're going to continue going to communities and having our monthly meetings in communities, in the evenings. But, right here at this community center, Brian, would you acknowledge the people who have helped

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1 us and thank.

2 MR. CONNELL: Yes. We'd like to thank
3 everyone at the Mosholu Montefiore Community
4 Center for having us host our board meeting here,
5 in particular, the Director of Development. Her
6 name is Laurie Bandremer. And also, there's a
7 Daniel Johnson who has worked -- he's the District
8 Manager at Councilman Andrew Cohen's office, and
9 Councilman Cohen is a council member for Council
10 District 11, where we are now. So I would like
11 to thank them both, as well.

12 CHAIR EMERY: All right. First on the
13 agenda, I think we have adoption of the minutes
14 from the last meeting. Do we have a motion?

15 MR. GITNER: I move.

16 MS. CORTES-GOMEZ: I second.

17 CHAIR EMERY: All in favor?

18 (Chorus of Ayes.)

19 CHAIR EMERY: Any opposed?

20 (No response.)

21 CHAIR EMERY: So I would like to report on a
22 few developments. The agenda tonight is going be
23 Report from the Chair, Report from the Executive
24 Director, Committee Reports, Old Business, New
25 Business, and then we're going to have time for the

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1 public to comment and make statements and ask
2 questions or do whatever you wish to do based on a
3 sign-in sheet that we have here.

4 From my point of view, there have been a
5 number of extremely important developments in the
6 last several weeks since we had our last meeting.
7 I think we are beginning to deliver on some of our
8 promises, certainly in the nature of planning,
9 massive and significant changes of the structure
10 and functions of the CCRB to make the CCRB much
11 more responsive to complaints, to have more thorough
12 and transparent investigations, to have much
13 quicker investigations, and to have decisions which
14 we believe will be respected by the police
15 disciplinary process in a way that has not
16 occurred in the past.

17 In that regard, tomorrow we are going live
18 with a component of our website, which we're
19 going to call Complaint Look-Up. Any person who
20 has made a complaint and any police officer
21 against whom there is a complaint will have a
22 number of that complaint and will be able to go to
23 the website, put in the number, and find out where
24 the complaint is in our process; thereby,
25 informing either the police officer or the

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1 complainant the status, in general terms -- I
2 hope as specifically as possible. We're going to
3 do this without violating any of the Civil Rights
4 Law restrictions on providing information about
5 particular outcomes of complaints, but the
6 process of the complaint will be completely
7 transparent. And we will have that access for
8 anyone who has a complaint number and wants to
9 look up where it sits in the process.

10 Similarly, either tomorrow or shortly
11 thereafter, we're going to go live with something
12 that Board Member Lindsay Eason is going to talk
13 about a little more in a minute, with maps of the
14 New York City -- by precinct -- maps of New York
15 City by precinct with complaint activity reflected
16 on those maps under the categories of FADO:
17 Force, Abuse of Authority, Discourtesy and
18 Objectionable Language. This will be an ongoing
19 feature. It's in it's most rudimentary phase
20 right now, but we'll be able to go to the website
21 shortly. I hope it's going to go up tomorrow. It
22 may have some IT hitches that we have to deal with
23 and it will be in the next few days, in any event.
24 But, it will go up so that you can go to that
25 website in it's first form, which is current,

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1 it will be, simply, all complaints by precinct.
2 These are not -- these are complaints that
3 occurred in that precinct, geographically,
4 occurred in that precinct, and then, broken down
5 by FADO and increase and decrease over the last
6 year compared to the same period of the prior year
7 and some statistical information by commands of
8 particular complaint patterns. Hopefully, in the
9 future this will develop into an inter-active and
10 much more sophisticated function of the website,
11 and also in social media. The idea is that it
12 will go on Tumblr, at least, and be available to
13 anyone who wants to see what kinds of complaints
14 are occurring in the future I hope, in their
15 specific neighborhoods as opposed to by precinct.
16 We're starting this now with the hope that this
17 will cause the public and others to make
18 suggestions about how it can be refined in ways
19 that we can make it better, and that will be coming
20 up soon.

21 We have some announcements in that probably
22 many people or some people are wondering what's
23 happening with the Executive Director's job. I
24 think we're close. I think within the next two
25 weeks we will announce the Executive Director's

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1 position. We've been working hard on finding the
2 best Executive Director for this agency.

3 Similarly, we have appointed Jon Darche as
4 the new head of the APU unit, with his assistant
5 head, Vivian Cedeno, they will be leading the APU
6 unit now. Laura Edidin, the former head of the APU
7 unit, has taken a job with the Brooklyn Attorney's
8 Office, and so that is an appointment we made
9 internally to make sure that all APU activiites
10 are seamless.

11 Jon Darche is here in the audience and Vivian
12 Cedeno is also here in case anybody wants to
13 discuss the Prosecution Unit questions and they're
14 here to support us, obviously, if there are answers
15 we need from them.

16 I guess the big news that I would like to
17 announce before we get into Committee Reports and
18 a Report from the Executive Director, the Interim
19 Executive Director, Brian Connell, is a proposal
20 that we have developed and the board is now looking at
21 and we're assessing to totally reorganize and
22 re-engineer the investigative process at the CCRB.
23 This involves a triage component of current cases
24 and an attempt to change the way we're going to
25 take -- do intake an investigation for all new

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1 cases, hopefully starting December 1st if the
2 board and if the staff believes that this is the
3 right way to go. As I said, this is a proposal at
4 this point. This is not in any way written in
5 stone. But, I felt, and I'll explain it more in a
6 second, but I felt that it was necessary to go
7 ahead with this because we tried to change this
8 agency in the last four months and we want to show
9 some very significant results by the end of this
10 year, the end of the year starting in July, when I
11 certainly -- when I was appointed. I think this
12 is the way to do it. Basically, this is a staff
13 proposal. This was a proposal that was generated
14 from staff as the way to make our investigations
15 more thorough and certainly more efficient and
16 quicker to get results to panels and to the police
17 department. So what's going to happen,
18 essentially, is this. We have about fifteen
19 hundred cases that are currently in the pipeline.
20 Those cases will be treated based on the same team
21 structure that exists now, the six teams of
22 investigators, but those teams will be focusing on
23 those cases with benchmark guidelines, and there
24 will be a strike force of managers and
25 experienced -- and supervisors with experience who,

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1 when cases do not meet benchmarks in this triage
2 process of fifteen hundred current cases, will
3 come in and focus on those cases so that they get
4 back on the benchmark process so every current
5 case is completed by nine months from the date of
6 the complaint. That's the triage portion.

7 The new portion is a process by which we
8 will have intake, refer cases to supervisors,
9 who have working for them three to five
10 investigators, new cases referred within 48 hours
11 of a complaint. The complainant's information
12 will be taken at intake in a basic way and then a
13 supervisor with a group composed of three to five
14 people will be rotating on intake, and the
15 supervisors will be primarily responsible for the
16 production -- the investigation, the planning and
17 the production of the closing reports for every
18 investigation. The benchmarks will be that
19 within seven days of a complaint, every
20 complainant will be interviewed, unless there's
21 some compelling reason otherwise; within 30 days of
22 a complaint, the primary police officers will be
23 interviewed. There will be a field work -- a
24 field team which will in appropriate cases be
25 sent out to gather evidence and secure videotapes

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1 and secure witness statements that will be set
2 out within the first seven days of appropriate
3 cases, and that will be decided by the supervisor
4 to whom the case is assigned and working with the
5 field team. The purpose is, or course, not to let
6 evidence get stale. And, there will be benchmarks
7 throughout the investigative process that will
8 require the investigation to be completed and a
9 closing report written by three months -- it may
10 end up, we're working between three and four
11 months on the outside, but the goal is three
12 months for all these investigations to be resolved
13 in this new intake and investigation process.

14 As the triage is effective with the first
15 fifteen hundred cases and as the cases diminish
16 and as the caseload gets less on the people working
17 on those cases, those investigators and supervisors
18 will be transferred over into the new Investigations
19 Division, and, the new Investigations Division will
20 follow the benchmarks and protocols that I just
21 described.

22 And along with this, the strike force will
23 continue to exist, and the strike force will,
24 when benchmarks aren't met in the new
25 Investigations Division, come in, work with

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1 supervisors and investigators and make sure that
2 cases get back on a track to meet bench marks
3 for the three-month goal. In this regard, we'll
4 hear tonight also from Board Member Professor
5 Capers, who is working hard on making closing
6 reports much more focused and efficient, along with
7 staff, so that these methods -- goals can be met.

8 So that is the re-organization, in some sense,
9 of what we hope to accomplish, assuming we can get
10 the staff and everybody organized to do this by --
11 December 1st is the goal, is to have this new intake
12 process, a new Investigations Division in place so
13 that all new cases starting after -- all new
14 complaints coming in after December 1st are
15 handled on a three-month schedule, while the
16 older cases are being triaged as I described.

17 With that, I think that we're ready for the
18 Interim -- for Brian Connell's report. And we're
19 going to focus, as you'll see, on this area of the
20 city in that report.

21 MR. CONNELL: Good evening, everyone. We're
22 very glad to be here. First, I'd like to say that
23 the upcoming board meeting for December is going
24 to be in Queens. It's going to be at the
25 Sunnyside Community Center, and that's 4331 39th

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1 Avenue in Sunnyside. We're glad to be here in the
2 City Council District 11, which is the district of
3 City Council Member Andrew Cohen. We're also in
4 the 52nd Precinct, and I'm going to give some
5 statistics on the complaints from this -- from
6 this precinct.

7 I'd first like to thank Council Member Cohen
8 for being among the first two council members to
9 host CCRB in the boroughs. It's an initiative
10 that brings CCRB services, such as outreach,
11 intake and investigative interviews into various
12 communities on a rotating basis. We're continuing
13 this effort by contacting city council members
14 and asking them to provide temporary space on
15 evenings so that these services can be provided
16 in their districts as well.

17 In October 2014, the CCRB received 359
18 complaints within its jurisdiction, and 69 of
19 them occurred in the Bronx. That's 19 percent of
20 complaints filed. From January through October
21 2014, the CCRB received 4,222 complaints and
22 that's 21 percent of -- I'm sorry -- and 895 of
23 them came from the Bronx area. That's 21 percent
24 of all complaints filed. Of those 895 complaints
25 in the Bronx, 64 of them occurred in the 52nd

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1 precinct in this area.

2 Now a single complaint can have more than
3 one -- more than one allegation. Of the 64
4 complaints that were received in the 52nd
5 Precinct, 37 complaints were allegations of force;
6 33 complaints include allegations of abuse of
7 authority; 18 complaints include allegations of
8 discourtesy; and 7 complaints include allegations
9 of offensive language.

10 Year-to-date, the board closed 65 cases from
11 the 52nd Precinct. Of these 65 cases, the board
12 fully investigated 27 of them, and three of those
13 cases were substantiated, 11 percent of the cases.
14 There are -- there were no cases mediated that
15 came from the 52nd Precinct. However, we did
16 identify 21 cases from the 52nd Precinct that are
17 suitable for mediation: Eleven of them were offered
18 mediation; eight of them accepted mediation and
19 three rejected mediation, and those cases are being
20 processed through the Mediation Unit.

21 The CCRB's open docket has 200 -- 2,513
22 cases, and 36 of these cases occurred in the 52nd
23 Precinct. The CCRB Administrative Processing Unit
24 has six open cases in the 52nd precinct and the
25 APU reached disposition in cases against two officers

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1 who were each found guilty and each forfeited ten
2 vacation days. And that is my report on this.

3 CHAIR EMERY: Before we go to Committee
4 Reports, does anybody on the board have any
5 comments about anything we have talked about so
6 far?

7 MR. GITNER: I have a question about the
8 website --

9 CHAIR EMERY: Sure.

10 MR. GITNER: -- and the tracking, that you
11 mentioned before.

12 CHAIR EMERY: Right.

13 MR. GITNER: I think it's great idea, but will
14 it track only complaints, or does it also make clear
15 where there is substantiated complaints versus just
16 complaints?

17 CHAIR EMERY: We are not allowed to reveal,
18 under 50A, outcomes of any case that could be traced
19 back to a particular employee at that stage, so we
20 cannot. All we can do is say at what stage it's at
21 and where. The individual complainant gets a letter
22 eventually, but the problem is, is that the website
23 access is not only available to the individual
24 complainant and police officer.

25 MR. GITNER: Maybe I misunderstood. I thought

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1 you also mentioned that there was going to be some
2 sort of map.

3 CHAIR EMERY: That's a different --

4 MR. GITNER: That's what I was referring to.

5 CHAIR EMERY: You're referring to --

6 MR. GITNER: So I'm sorry.

7 CHAIR EMERY: Yes.

8 MR. GITNER: So let me ask a better question.

9 CHAIR EMERY: Yes.

10 MR. GITNER: With regards to that map --

11 CHAIR EMERY: Right.

12 MR. GITNER: -- will that track only complaints
13 or will it track both complaints and what was
14 substantiated? Sorry.

15 CHAIR EMERY: It will eventually track both.
16 The initial data that's going up, that we're all going
17 to be testing and looking at, is complaints only, but it
18 definitely, it definitely will get subs in the future.

19 MR. GITNER: Thank you. I think it's a great
20 idea and a good initiative. Thank you.

21 CHAIR EMERY: Well, it's Lindsay's
22 initiative. He'll get to talk about it in a
23 minute.

24 MR. GITNER: Great, thank you.

25 CHAIR EMERY: Any other comments before we go

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1 to Committee Reports?

2 So let's have the Mediation Report first if
3 that's all right with you, Janette?

4 MS. CORTES-GOMEZ: Absolutely.

5 CHAIR EMERY: Good.

6 MS. CORTES-GOMEZ: Welcome to the Bronx, my home
7 borough. I'm glad to have everyone here. I know we
8 started a little late; I'll blame it on the distance
9 from our other home base.

10 With respect to mediation, I'd like to thank,
11 obviously, Lisa Cohen, who has been helping me a lot.
12 We were in a period of transition because we lost the
13 two other members who were on both the Mediation
14 Subcommittee as well as doing the mediation cases.
15 We now have two members, both Lindsay and Joseph,
16 are on mediation so we're back on track.

17 With that being said, there has been a
18 change. We used to previously review as a
19 board of three, as a board would review cold cases
20 that were sent to mediation and deemed mediation
21 eligible, to see if, in fact, we were going to
22 proceed with mediating those cases. In addition
23 to those cases, we also reviewed cases where
24 attempts have been made to schedule mediation but
25 for whatever reason, it did not go through and

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1 those were deemed ready to be closed for mediation.
2 At this point, based on the conversation that were
3 had amongst our board members, and specifically
4 the committee, the board, consisting of myself,
5 Joseph and Lindsay, will now only be reviewing the
6 cases that are ready to be closed and the other
7 other cases are being pretty much deferred to the
8 mediation team at our offices, where anything that
9 is eligible will go forward to mediation. We will
10 not have to pre-approve them, if you will, because we
11 have delegated that task to Lisa Cohen and the
12 mediation staff there.

13 Now, with respect to the eligibility, there
14 is a proposal, which I believe we all have in our
15 packet, and I'd like to propose that to be passed
16 today with respect to mediation. It reads as
17 follows:

18 "Beginning November 17, 2014, all allegations
19 will be eligible for mediation. Cases will continue
20 to be assessed for suitability. A case is considered
21 unsuitable for mediation if the case contains any one of
22 the following:

23 An allegation of property damage or personal
24 injury; an underlying arrest; a concurrent IAB
25 investigation relating to the case; the complainant or

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1 victim filed a lawsuit against New York City or the
2 NYPD or planning on filing a lawsuit; the complainant
3 or victim is unable to discuss his or her complaint in
4 a coherent manner; or the CCRB complaint history of the
5 complainant, victim or subject officer is unduly
6 extensive."

7 There, as with everything with life, are
8 exceptions. These exceptions can be made at the
9 discretion of the Director of Mediation, Lisa
10 Cohen, regarding the suitability or unsuitability
11 of the case. Investigators will continue to
12 follow the current protocol, which includes
13 conferring with the Mediation Unit regarding the
14 assessment of a complaint as suitable.

15 So at this time, since we do have quorum, I
16 would --

17 CHAIR EMERY: Well, is there any discussion?
18 Let's have a discussion. Is there anybody who
19 wants to make some points?

20 MR. GITNER: Yes. The language reads, "a case
21 will be considered unsuitable for mediation if the
22 case contains any one of the following," and then
23 the listed categories?

24 MS. CORTES-GOMEZ: Yes.

25 MR. GITNER: I'm not quite sure what "will be

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1 considered unsuitable" means. Does that mean a
2 case may not be mediated if it contains any one of
3 the following?

4 MS. CORTES-GOMEZ: Will not be sent to
5 mediation, correct.

6 MR. GITNER: Period.

7 MS. CORTES-GOMEZ: So as of this point, we're
8 saying that all cases coming in are mediation
9 eligible.

10 MR. GITNER: Except these.

11 MS. CORTES-GOMEZ: However, for the most
12 part, these will not be deemed suitable for
13 mediation, lawsuit, property damage, as they're
14 listed. There are certain exceptions to even that
15 rule, so that would go to Lisa Cohen, the Director
16 of Mediation, to determine whether any case that
17 falls under these categories have an exception and
18 can be mediated.

19 MR. GITNER: O.K. So I have a couple of
20 questions following that, then.

21 Within the category of cases that cannot be
22 mediated, absent an exception at the discretion of
23 the Director of Mediation, includes an allegation of
24 property damage or personal injury. Why? Why?

25 MS. CORTES-GOMEZ: Why what?

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1 MR. GITNER: Why would those not be mediatable,
2 if there's an allegation of property damage,
3 particularly one that was a minimal property damage,
4 or even an allegation of personal injury, particularly
5 one that was minimal? Oftentimes we have allegations
6 of personal injury --

7 MS. CORTES-GOMEZ: Right.

8 MR. GITNER: -- where there's actually no
9 evidence of personal injury.

10 MS. CORTES-GOMEZ: And that is exactly where the
11 exception comes in. We're saying property damage,
12 personal injury; however, it will be reviewed by the
13 Director and the Mediation team to see exactly what the
14 injury is. A stubbed toe more than likely is going to
15 go forward to mediation.

16 CHAIR EMERY: If the parties want.

17 MR. GITNER: Right.

18 MS. CORTES-GOMEZ: Correct.

19 MR. GITNER: Right.

20 MS. CORTES-GOMEZ: In all of these cases,
21 regardless if it's on this list or not, any case for
22 mediation, you have to have the consent of both
23 parties. You have to get consent of the complainant;
24 you have to get the consent of the police officer.
25 If either one says, "No, thank you," it will not be

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1 mediated.

2 MR. GITNER: O.K.

3 CHAIR EMERY: So -- go ahead

4 MR. GITNER: I have another question, but if
5 you want to comment, I don't want to interrupt the
6 Chair.

7 CHAIR EMERY: No. I just wanted to make the
8 point that there are cases where there are
9 criminal charges pending, where they may be so
10 minor that it may be appropriate to mediate also.

11 I think there are a number of these --

12 MR. GITNER: I understand.

13 CHAIR EMERY: Right. There are a number of
14 these presumptively excluding categories which if
15 minor --

16 MR. GITNER: The Director can --

17 MS. CORTES-GOMEZ: Correct.

18 CHAIR EMERY: -- nevertheless, the Director
19 can allow --

20 MR. GITNER: Got it. I understand now.

21 CHAIR EMERY: -- for mediation in any event, if
22 the parties want.

23 MR. GITNER: Another question. It makes sense.

24 Another question. The last category, "The CCRB
25 complaint history of the complainant, victim or subject

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1 officer is unduly extended -- I'm sorry, "is unduly
2 extensive," is it the Director of Mediation who decides
3 what that means, "unduly extensive?" You know, what
4 does that mean? Two complaints? Ten?

5 MS. CORTES-GOMEZ: No. It's not going to be
6 two. Obviously, Ms. Cohen is more seasoned than I --

7 MR. GITNER: Right.

8 MS. CORTES-GOMEZ: -- in terms of mediation cases.

9 That is not my forte. That is her bread and butter, so
10 to speak. So she understands that we do not mean one
11 or two. We mean "unduly extensive." Ten, for example,
12 and I'm just throwing that number.

13 MR. GITNER: O.K., I get it. So just so I
14 understand, another question on that exact point, what
15 if you have a -- how would it work if there's a situation
16 where there is more than one subject officer, one of
17 whom has an unduly extensive complainant history --

18 MS. CORTES-GOMEZ: And the other doesn't?

19 MR. GITNER: -- and the other does not, let's
20 say, and the complainant wants to mediate. Is
21 that just something that Ms. Cohen will take into
22 account in deciding whether or not the case will be
23 mediated?

24 MS. CORTES-GOMEZ: I'll let Ms. Cohen answer
25 that.

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1 MR. GITNER: That's the intent?

2 MS. COHEN: Absolutely.

3 MR. GITNER: O.K.

4 MS. COHEN: And there are other factors. If the
5 officer has an unduly extensive history but has never
6 participated in mediation, maybe that's somebody who has
7 been to mediation but it might not have worked; I take
8 all of that into consideration. But, we need the
9 complainant to want to mediate. If the complainant
10 strongly wants to mediate, I will take that into
11 consideration as well.

12 MR. GITNER: Got it. I mean, it does seem to me
13 that a complainant who strongly wants to mediate who
14 happens to have a complaint against an officer with an
15 unduly extensive history, it would seem unfair to that
16 particular complainant just because that subject
17 officer is in the category, that that complainant is
18 barred from mediation. But, as I hear you, what you're
19 saying is you weigh all the circumstances and make a
20 decision on an individual basis, right?

22 MS. COHEN: Absolutely.

23 CHAIR EMERY: And I take it --

24 MR. GITNER: O.K., thank you.

25 CHAIR EMERY: Sorry, go ahead.

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1 MR. GITNER: No, that answers my questions.

2 Thank you.

3 CHAIR EMERY: And I take it that you'll consult
4 with the Executive Director, there are people who
5 you'll consult with, but I do think discretion -- and
6 the committee, and I do think discretion vested in our
7 people who have the experience is the right way to go.
8 I mean, we have to trust the professionals here. You
9 know, I think Lisa is the consummate professional in
10 this area.

11 MR. GITNER: I do agree with that.

12 CHAIR EMERY: So I'm very comfortable with this
13 myself.

14 MR. GITNER: I do have one question that just
15 came to mind.

16 CHAIR EMERY: Yes.

17 MR. GITNER: The first category, allegations of
18 property damage or personal injury, is it fair to
19 assume that personal injury also includes death? As I
20 recall, there were categories of cases that were not
21 eligible for mediation that included a death in custody
22 or a death for whatever reason. I'm assuming that that
23 will fall in the first category even though we're not
24 spelling that out.

25 MS. CORTES-GOMEZ: That's an extreme --

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1 MR. GITNER: Extreme personal injury without being
2 facetious.

3 MS. CORTES-GOMEZ: Yes.

4 MR. GITNER: O.K., thank you.

5 CHAIR EMERY: It's hard to get consent, too.

6 MS. CORTES-GOMEZ: Yes.

7 MR. GITNER: O.K., right. Got it.

8 CHAIR EMERY: Do we have a motion on this
9 resolution?

10 MS. CORTES-GOMEZ: I'm this time, I make a motion
11 to pass this proposed resolution as written with
12 respect to mediation and going forward.

13 MR. CAPERS: I second it.

14 MS. CORTES-GOMEZ: All in favor?

15 MR. EMERY: All in favor?

16 (All hands raise.)

17 CHAIR EMERY: Any opposed?

18 (No response.)

19 CHAIR EMERY: Thank you. That's passed.

20 MR. PUMA: May I interrupt for a moment?

21 MR. GITNER: Yes, sure.

22 MR. PUMA: Can members of the audience hear?
23 I got a -- somebody signaled me that they're having
24 trouble hearing. Can you hear?

25 CHAIR EMERY: Can everybody hear? If you

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1 can't hear -- yes, come up a little closer if you
2 can't hear from back there.

3 MS. CORTES-GOMEZ: Just let me know because I
4 could speak louder.

5 CHAIR EMERY: Yes, and we can pull the mic
6 closer also.

7 All right. Anything more on mediation, Janette?

8 MS. CORTES-GOMEZ: Yes.

9 CHAIR EMERY: Sure.

10 MS. CORTES-GOMEZ: With respect to training our
11 intake investigators, that obviously we're going to
12 hold off until the new structure is implemented around
13 December 1st. At that point, we'll hopefully have a
14 new batch of intake investigators who will likely be
15 more seasoned. At this time, the intake team consists
16 of newer investigators. I think it would be important
17 to have more seasoned investigators in that position.

18 We have been in talks with, thanks again to
19 Lisa Cohen, the New York Peace Institute. They have
20 two locations and they are willing to offer to us the
21 Brooklyn location to hold off-site mediation sessions.
22 Obviously, that's just one borough, one additional
23 location. We are hopeful that we'll have a lot more
24 locations to hold off-site mediation sessions, so that
25 is still in the works.

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1 With respect to expediting the identification
2 of officers, any materials that we may need in order
3 to expedite either going through mediation or
4 investigations, we do have a liaison that has been
5 coming to CCRB a few times a week, and according to
6 Denis, who unfortunately is not here today, he has seen
7 a slight improvement in terms of getting materials
8 quicker. Hopefully that will lead to identifying
9 officers sooner so that we can schedule mediations
10 that much faster.

11 With respect to increase in cases, our hope in
12 mediation is obviously to increase the amount of cases
13 that not only are eligible but that move forward, with
14 the consent of both parties to mediation. With that
15 comes the need for more staff; and so, I will be in
16 discussions with my fellow board members, as well as
17 the new Executive Director once he or she comes on to
18 see what, if anything, we can do to increase the number
19 of staff members to the Mediation Unit so that we can
20 more easily deal with the increase in cases which we do
21 anticipate and are hopeful to get.

22 With that, I think I covered everything for now.

23 MR. EMERY: Thank you so much, Janette.

24 Any discussion or questions for Janette at this
25 point?

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1 All right. Let me just -- I call on Dan.
2 Deborah Archer and Dan Gitner are Co-Chairs of the
3 Investigations Priority Committee. There are
4 obviously a lot of changes going on in this area, one
5 of which, I would love to hear your thoughts and have
6 discussion about, the new structure, the new proposed
7 structure, I should say, and also, about something I
8 didn't announce earlier but we should talk about, and
9 that is the presence on virtually a daily basis of IAB
10 officers at the Civilian Complaint Review Board who are
11 getting us documents from the Police Department for our
12 investigators more quickly and identifying police
13 officers, as Janette alluded to it, more quickly, one
14 of the problems we've had which has delayed
15 investigation substantially in the past.

16 So Dan?

17 MR. GITNER: Well, why don't I -- I'll address that
18 first.

19 CHAIR EMERY: Sure.

20 MR. GITNER: I know Professor Archer is sorry she
21 can't be here so I just want to say that. She had an
22 engagement that she couldn't reschedule with her law
23 school.

24 It is the case, I think, that for quite some
25 time now the priority of the Investigations

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1 Committee, now the Priority Investigations Committee,
2 has been to try to engage with the Police Department in
3 order to get documents and information faster, quicker,
4 and easier without jumping through hoops. And I do
5 know that the staff members on the committee feel very
6 strongly that it would, I think, be a good thing to
7 have deeper relationships with the Police Department;
8 whether it's IAB or whatever division of the PD, that
9 can help CCRB investigators get what, at least to me
10 and I think to others here, seems like relatively
11 simple and quickly accessible information much faster.
12 In the distant past, even -- though not so distant,
13 since I've been on board, it has taken what I think is
14 an inexcusable amount of time sometimes to get simple
15 documents that should have been easily produced, and
16 frankly, the process was overly formalistic. And now,
17 the Police Department, to their credit, I think has
18 made commitments and thus far seem to living up to
19 those commitments to get us information quicker,
20 faster, in a more readable form without having to jump
21 through multiple requests to get that information. So
22 that is one thing thing our unit has been working on,
23 and I think it's been a wonderful thing.

24 And, I think, Mr. Emery, you've frankly done a
25 lot to bring it -- we may have had a single in the

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1 past but I think we've hit a triple now, and it's only
2 to everybody's benefit.

3 We have also spent a lot of time or at least some
4 time talking about, frankly, how to reorder
5 investigations. It's a very complicated process.
6 There are, obviously, I think you said, 1500 currently
7 pending cases, investigations of all different types,
8 and rather than deal with what had initially been
9 called priorities, we sort of reordered our own
10 committee to try to deal with how to investigate what
11 we call complex cases versus less complex case,
12 because, quite frankly, all cases should be a priority;
13 they certainly are a priority to the complainant,
14 regardless of the allegation. And we're exploring
15 whether or not it makes sense to develop buckets.
16 We'll call them A, B, and C buckets, where A, perhaps,
17 is the simplest kind of case and C is the most
18 complicated kind of case and establishing benchmarks
19 for those different kinds of investigations and making
20 recognition that certain kinds of cases may take
21 perhaps all or much of an investigator's time, where
22 other kinds of cases can easily be juggled by a single
23 investigator. And so, we're trying to deal with
24 balancing both a need for speed, as you have I think
25 eloquently discussed earlier, and how, you know,

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1 getting things done quicker, frankly, is justice for
2 everybody but, also, without sacrificing a need to be
3 complete and accurate in the investigation.

4 And one problem that has been identified, for
5 example, is that sometimes a case will be investigated,
6 but not quite completely, perhaps complete enough in
7 the investigator's mind but, for whatever reason, the
8 panel in the past thought it wasn't fully complete,
9 and so, it would be sent back. A good example might
10 be, just to take an example, might be a discourteous
11 case, where the allegation is that a police officer
12 was discourteous to a complainant, and let's say that
13 there are four other officers allegedly at the
14 scene, or, let's make it ten other officers are at the
15 scene. Is it enough to interview three of the officers
16 who perhaps were closest to the event or should the
17 investigator interview all ten? Well, interviewing all
18 ten on what perhaps is a quite simple case, you know,
19 did the police officer say something that was
20 discourteous, will take quite some time to get done and
21 may not even meet the three-month goal given officers'
22 schedules.

23 So we're looking to balance the need for speed,
24 the complexity of the investigation, getting it done
25 completely, and still have the right sense of

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1 supervision over the different cases and getting them
2 to the panels quickly. And we spent a fair amount of
3 time dealing with those priorities.

4 CHAIR EMERY: Good. This is a work in progress,
5 and I don't want anybody to think that we have the
6 answers. It is incredibly complex to take this group
7 of people who've been doing investigations that we all
8 believe have taken too long and -- for many years and
9 reorganizing it to make efficiencies available to these
10 investigators, and supervisors, in particular, that we
11 have never really tested before, these efficiencies.
12 And we are in a phase where we are trying some things
13 that the staff thinks will work, and I'm emphasizing
14 that because this isn't swooping in from 30,000 feet
15 that I'm trying to impose something on this
16 organization. We're taking the smartest people on the
17 staff who've had a lot of perspective of many years and
18 trying to tap into their intelligent views of what has
19 occurred over many years and how it can be changed.
20 It's not easy and we don't pretend to have the answers
21 or that it's going to be perfect, but by testing and by
22 causing people to do things differently, I think we're
23 going to be able to arrive at efficiencies that we never
24 saw before. That's the hope. That's the optimistic
25 view of this investigative process.

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1 Let's, if we could, talk about what we're putting
2 up on the website, which we've referred to a little
3 earlier, and have Lindsay Eason, Commissioner Eason or
4 Board Member Eason talk about what we're calling
5 Complaint Activity Maps.

6 MR. EASON: Good evening, everyone. Happy to
7 be here in the Bronx.

8 First, I'd like -- before I give my report, I'd
9 like to thank Marcos, Mr. Soler, and his team for
10 the hard work that they put in in compiling the stats
11 that we may we go live tomorrow, Richard or --

12 CHAIR EMERY: Hopefully.

13 MR. EASON: We're hopeful.

14 CHAIR EMERY: But we will announce it and then
15 go live.

16 MR. EASON: Yes.

17 CHAIR EMERY: But it will be -- it's imminent.

18 MR. EASON: But it will be a continuation of the
19 process of this whole board, which is to make the
20 process, what we do here more transparent and easily
21 accessible to the public. So I wanted to thank Marcos
22 for that, and to let you know that we are implementing
23 a new way of reporting statistical information that
24 will allow members of the public to track information
25 about complaints and officers in a more timely,

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1 visual and targeted way. Keep you connected.

2 In our website, you will find, first, examples
3 of what we plan to do in the weeks to come in terms
4 of mapping and stats reporting. Gradually, we will
5 include information, additional information on maps
6 as we expand our technical capabilities.

7 We will collaborate -- I had hoped to have
8 that done prior to coming here today -- collaborate
9 with our partners over in NYPD, but that meeting
10 has been pushed back to next week, Richard?

11 CHAIR EMERY: Yes.

12 MR. EASON: Where we will go over to CompStat
13 and share our ideas in the hopes of improving both
14 of our processes.

15 For now, the information will be updated on a
16 weekly basis, but it is our expectation to soon be
17 able to offer live updates and incorporate
18 interactive features.

19 What you will currently find on our website
20 are three types of information.

21 The first type of information is statistics
22 regarding the number of complaints, the number of
23 officers who are subjects of complaints, and the
24 distribution of those complaints by officers.

25 Thus, for example, you can see year-to-date we

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1 have received, which the current Director,
2 Acting Director gave to us earlier, 4,222
3 complaints involving 3,572 identified officers --
4 the current roster is approximately 35,000
5 officers; that's why their cooperation is so
6 critical that we continue to develop with NYPD --
7 which means that approximately 10 percent of the
8 officers received at least one complaint
9 year-to-date. Of those identified, of those
10 3,572 officers identified, 83 percent, 2,973, to
11 be exact, was the subject of one complaint, and
12 13.5 percent, 482, were the subject of two complaints.
13 There were 33 officers, or four percent of officers, who
14 received four or more complaints year-to-date.

15 The second relevant type of information is a
16 series of maps that will let the public see the number
17 and types of complaints filed with the CCRB by precinct
18 and location. As you heard the Chair mention earlier,
19 we hope that will you go on and be able to follow and
20 track a complaint filed to its conclusion, no different
21 from UPS and all the other ones we deal with out there.

22 The first map shows the number of complaints
23 received by precinct location of incidents year-to-date.
24 It shows areas where most of complaints are
25 concentrated. There are three additional maps that

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1 show where complaints are up and where complaints are
2 down and by how much. Thus, for example, we can see
3 complaints are increasing in some part of the Bronx,
4 south and north precincts and we're decreasing -- and
5 decreasing in other parts, in the central precincts.
6 There are four additional maps indicating the types of
7 complaints which falls under FADO: Force, abuse,
8 discourtesy and offensive language.

9 The third type of information is a statistical
10 table that attributes complaints to the commands of
11 where the officers are assigned whose the subjects
12 of complaints. The first page shows the commands
13 grouped by patrol borough and the following sixteen
14 charts provide a breakdown of all the NYPD commands.

15 As I stated and as the Chair stated it, this
16 is the first step in a work of Complaint Activity
17 Maps. You may have heard me refer to it as CopStat
18 at our last meeting in Brooklyn but it's CAM
19 now, Complaint Activity Maps. We have meetings
20 scheduled, as I mentioned earlier, scheduled to making
21 progress and the hope of welcoming input from you, the
22 public, on the information that we provide and to
23 hope to get your input on the value of it.

24 Thank you very much.

25 CHAIR EMERY: Thank you.

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1 Any questions, comments on it from the board?

2 O.K., great. Thank you.

3 CHAIR EMERY: I will say one thing about this CAM.
4 It is the basic groundwork for something we're going to
5 build on, as Lindsay said, for the future, but it's also
6 the basic groundwork for what we want to do, want to
7 create as a early warning system, an early warning
8 system about particular officers or particular groups
9 of officers that we cannot put up publicly because of
10 the New York State Civil Rights Law. But, what we can
11 do if we identify officers with a particular pattern
12 of complaints or particular numbers of complaints or
13 particularly concerning complaints by their nature is
14 that we can provide that information to the Police
15 Department so that those officers can be dealt with as
16 potential problems and retrained and identified, but
17 that's a separate and private portion of what will be
18 generated from the very same statistical analysis
19 that's going to go into what we're calling CAM. It
20 will be an early warning system.

21 Let me do a little quick report on the Reports
22 Committee because we're going to do a bunch of policy
23 reports coming up, and the one we have decided we're
24 going to do, and we're going to do it relatively
25 quickly, is kind of obvious -- I'm surprised, actually,

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1 that it hasn't been done in the past -- and that is
2 the effectiveness of sanctions or penalties or outcomes
3 in police misconduct administrative actions. In other
4 words, all aspects of the extent to which when a police
5 officer is found to have engaged in this conduct and a
6 penalty has been imposed upon him or her, instructions,
7 loss of vacation days, or charges and specifications,
8 whatever the level is, how effective is that? Nobody
9 has really done any assessment of whether it stops
10 recidivism, if it stops repeat offenses; what types of
11 offenses that they're found guilty of are then
12 predictive of what their future conduct is, whether
13 it's good or bad; what kind of -- whether the
14 substantiation is relevant to their future activity or
15 whether just a complaint filed against them is relevant
16 to future activity.

17 So we're going to do a report, which is taking
18 shape as we speak, on those aspects of the actual
19 misconduct system that -- the administrative penalty
20 system that relate to police officer activity after
21 those findings or those complaints or those activities
22 take place. It's sort of the heart of what we do.

23 And, we're also going to obviously look at the
24 question of whether our recommended -- our
25 recommendations of discipline on disciplinary findings

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1 have meaning in the longer term history of the police
2 officer, a particular police officer, or a particular
3 group of officers than does the department's or does
4 the department's results work better to prevent
5 recidivism down the line with particular police
6 officers who've had a discipline imposed.

7 So there are a lot of interesting issues here,
8 and we're going to try and explore those statistically
9 and in a report which explains those statistics. We
10 have a lot of data in mind, and I think we can produce
11 something that might be quite interesting.

12 There are a number of other reports on the table,
13 which I don't have to go into now, but if people have
14 suggestions of reports that we should be doing based on
15 the data we have, namely, the five to six thousand
16 complaints we get every year and in the past, like we
17 did with the Chokehold Report, I would love to have
18 suggestions from the public and others as to what types
19 of reports and analysis we should be doing as part of
20 the policy and reports.

21 With that, I'd like to turn to what we're calling,
22 I guess, the closing reports and to the panel committee
23 about closing reports and other -- and communications
24 also with the public as a result of outcomes at the
25 CCRB that Professor Bennett Capers has been working

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1 with.

2 MR. CAPERS: So good evening. I'll try to speak
3 over the refrigerator behind me.

4 Basically, we've been looking for more
5 efficiencies, ways to sort of expedite the process to
6 not have needless delays. So right now, after a long
7 investigation, it seems that investigators might spend
8 anywhere from a couple of hours to actually weeks
9 generating an investigative report that goes to the
10 panel.

11 Those investigative reports might be ten to
12 twenty pages long. They might contain lots of
13 information that is useful but also information that's
14 not very useful. So one thing we've been exploring is
15 whether there are ways to sort of shorten or condense
16 some of the investigative reports to free up the
17 investigator's time to actually work on investigations
18 and perhaps also to expedite the review process by
19 board members. The idea is sort of similar to what Dan
20 Gitner was talking about, trying to distinguish between
21 simpler cases and more complex cases.

22 So the simpler cases might have a much shorter
23 investigative report. The complex cases might stick
24 with the standard length report. I'll give a concrete
25 example that's a particular annoyance to me because it

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1 was one of the cases I reviewed, where there were no
2 facts in dispute. The complainant said that, you know,
3 force was used and all the officer said force was
4 used. That was like a fifteen-page report for
5 everybody to say force was used. It did not need to
6 be fifteen pages, and I did not need to read fifteen
7 pages to make a legal judgment about whether the force
8 was appropriate or not.

9 So we're just looking for ways to shorten the
10 process when we can shorten the process.

11 One thing the committee did yesterday after sort
12 of looking at various models of a shorter sort of
13 investigative report is we circulated that to board
14 members to get their input. So one thing we are
15 considering -- I don't think the board is ready today
16 since this was done yesterday -- is whether we want
17 to move to a new shorter template for shorter cases,
18 and -- less complicated cases, rather, and basically
19 the team managers would have some kind of
20 discretionary assessment about whether a case warrants
21 a much shorter investigative report or whether it
22 warrants the longer long-form investigative report.

23 So that's what we are exploring when it comes to
24 reports: Again, expediting the process in a way
25 that I think that will make anybody happier and

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1 without sacrificing accuracy. So the last thing that
2 we want is for relevant information to be excluded.
3 What we want is relevant information but not
4 extraneous information.

5 And, just to be clear, the board members will
6 still have access to all the supporting documentation,
7 whether it's the short-form report or the long-form
8 report. The only distinction is sort of whether the
9 report is three pages or twenty pages or something in
10 between. So that's one thing we are exploring.

11 The other thing we are tasked with and we are
12 exploring, and we're still in the early stages of
13 this process, is trying to figure out better ways
14 to communicate with complainants and with officers
15 about the status of investigations and dispositions.

16 So Richard all ready mentioned sort of providing
17 computer online access where somebody can check a
18 complaint, but we're also concerned about what kind of
19 communications exist when the disposition has been
20 made. How does a complainant find out? What has the
21 complainant been told? Is there a way to, to put it
22 bluntly, to humanize the process so people are not
23 getting, what feels like -- what might feel like a form
24 letter? And we're not just thinking about that at the
25 end stage but throughout the process, how we can

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1 better communicate with both complainants and with
2 officers so everybody feels that they're part of the
3 process?

4 CHAIR EMERY: Thanks.

5 Any comments or thoughts about this?

6 O.K.

7 So we have always been, I think, as a board,
8 at least I've heard a lot of this and looking back at
9 the history and I continue to hear about it while
10 I've been here, been frustrated with the training, and
11 I know we talk to staff regularly and the staff is
12 frustrated with the lack of training.

13 In that regard, what I'm doing is appointing a new
14 Training Committee to look at training of,
15 particularly, investigators, new investigators but also
16 training overall for the professionals at CCRB.

17 Joe Puma and Janette Cortes-Gomez have consented
18 to head this committee with a group of staff members
19 who've expressed an interest in this.

20 And we are going to come up with new protocols for
21 training because the training -- first of all, we're
22 going to have a training session ourselves tomorrow in
23 the afternoon. Some of us are going to go and listen
24 to some of the people who have a lot of experience talk
25 about board training. But then, we're going to think

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1 about training for all levels, the Mediation Unit,
2 the Investigative Unit, the Intake Unit, in particular,
3 and the Strike Force, how Strike -- we're going to work
4 hard to figure out better ways that people can gain
5 their expertise.

6 And Outreach is not here tonight because
7 Bishop Taylor has been the primary person on Outreach,
8 but --

9 MR. CONNELL: Joe can --

10 CHAIR EMERY: Oh, good, Joe.

11 Sorry, I didn't mean to cut you off there. Then,
12 Joe, tell us what's going on with Outreach.

13 MR. PUMA: Sure.

14 Thanks, everyone. I'm happy to be in the Bronx.
15 Can you hear me?

16 So this will be mostly a report and I'll add a
17 little editorial as well.

18 I see the purpose of Outreach is to make the work
19 of the agency more accessible to the public with an
20 emphasis on bringing the agency's work to the
21 communities where our complaints originate, and it's,
22 I guess, our hope as well that this will also expedite
23 things like the investigation process, because, for
24 example, we'll be able to obtain interviews at places
25 that are convenient to complainants.

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1 And we're exploring -- I guess, we're definitely
2 putting an emphasis on in-person contact, but we're also,
3 I think, having -- we're having discussions on how we
4 can be more savvy with social media as well, which I
5 think is long overdue.

6 And I guess I also wanted to acknowledge the --
7 my co-board members on this committee and the staff
8 who do really most of the heavy lifting as far as our
9 Outreach efforts are concerned. Bishop Taylor, who is
10 the Chair of Outreach who couldn't be here tonight,
11 Commissioner Janette Cortes-Gomez, and Commissioner
12 Lindsay Eason are also members of the Outreach
13 Committee, and our staff, Interim Executive Director
14 Brian Connell and Manager Carlmais Johnson, and
15 staff to Outreach, Jessica Long.

16 And, you know, it's part -- you know, I want to
17 say that as far as our Outreach effort is concerned,
18 you know, we have really stepped it up in recent
19 times, in the recent year, basically. Like,
20 year-to-date, we've done about 272 Outreach
21 presentations in communities all throughout the city.
22 And here's a little bit of self-critique on my part;
23 you know, unfortunately, the borough that we're
24 sitting in is lagging behind in terms of our
25 statistical findings. So I would hope that we can

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1 bring more Outreach efforts to this borough.

2 But that being said, our capacity has been very
3 limited by the fact that we only have two Outreach
4 staff for an agency that serves all of New York City.
5 So I think we have been doing the best we could with
6 the resources we have and, we're looking for new and
7 creative ways and certainly more resources for our
8 Outreach efforts.

9 And part of that effort is having these meetings
10 in the community and in the evening, and, as Brian
11 mentioned earlier, our December meeting will be in
12 Sunnyside, Queens at Sunnyside Community Services.
13 We're actually back in the Bronx in January; we've
14 confirmed Lehman College as our meeting space.

15 In February, we're looking at a location in
16 upper Manhattan, and, in particular, Washington
17 Heights is being discussed. And, as a resident of
18 Manhattan, this is of particular interest to me, to
19 make sure that we have communities uptown in contact
20 with the agency.

21 And we're also looking at having board meetings
22 and CCRB in the boroughs events, which I'll explain
23 more later, at NYCHA developments or in close
24 proximity to, also of personal interest to me as a
25 life-long public housing resident.

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1 Just a quick update on CCRB in the boroughs,
2 which is kind of an effort that we have to basically
3 allow members of the public to reach the agency,
4 whether it be to, you know, to conduct -- get sworn
5 statements for complaints that have been filed,
6 receive Outreach materials, et cetera. And so,
7 in that vein, we're continuing our partnership with
8 the City Council and, in particular, the Speaker's
9 Office of Community Engagement and where -- who has
10 offered to work with us to designate council
11 districts with the highest complaint volume in the
12 respective boroughs and interface with the council
13 members in those districts, and, you know, we'll also
14 be continuing our contact with individual council
15 members as well.

16 We did have a CCRB in the boroughs event at
17 Saint Clare's Catholic Church in Rosedale, Queens,
18 on October 21st, and at that event, six civilian
19 witnesses provided sworn statements during
20 interviews, one civilian filed a new complaint, and
21 four youths stopped by to obtain information about
22 the agency and also received an Outreach presentation.

23 CCRB in the boroughs is scheduled to return to
24 Saint Clare's Catholic Church on January 17th, and
25 we are in discussion with the church to make it

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1 possibly one of our, what we calling our on-demand
2 locations.

3 Since the agency doesn't have the budget to have
4 satellite offices, we are, you know, in discussions
5 with trying to line up different locations throughout
6 the city that could actually serve as sites where we
7 can do things like conduct interviews with
8 complainants.

9 We are also looking at the possibility of using
10 state elected officials' offices as space for CCRB
11 in the borough events.

12 And, once we -- once we have basically noted or
13 have these sites confirmed, their locations will be
14 placed in our electronic scheduling system in the CCRB
15 Intake Unit and from there, the Intake staff could
16 schedule complainants for interviews at these
17 out-of-borough locations immediately upon calling
18 the CCRB.

19 And, I should also say, and it's a slight appeal
20 as well, that I welcome board members to learn more
21 about the Outreach Unit by attending Outreach
22 presentations. It's something that I plan to do to
23 understand more how we actually engage with the public
24 at our events, and I think more input from other board
25 members could be very helpful.

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1 And, if I've left anything out, I welcome you,
2 Brian, to fill in anything I left out.

3 MR. CONNELL: I think you did, I think you
4 covered it well.

5 MR. PUMA: Thanks.

6 MR. CONNELL: Thank you.

7 CHAIR EMERY: Any questions or thoughts or
8 comments?

9 All right. At this point, there are three
10 proposed resolutions, then I want to discuss a
11 couple of other -- not resolutions but potential
12 issues which may come to resolutions at future
13 meetings. There are in our packet.

14 The first one is a proposal to have the creation
15 of an administratively closed category for cases, which
16 is limited to cases that are referred by IAB and do not
17 come from the members of the public directly and that
18 neither the complainant nor the -- the complainant is
19 not identified but they're -- and this happens,
20 apparently, with some regularity, that we get a
21 complaint about an incident where the complainant is
22 not identified.

23 MR. CONNELL: Right, directly from the Police
24 Department.

25 CHAIR EMERY: Directly from the Police Department.

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1 And we make attempts over a period of time, under
2 a protocol of numerous attempts and numerous methods of
3 finding out who the complainant is, and we do not -- we
4 are not successful.

5 MR. CONNELL: Right.

6 CHAIR EMERY: And we have a bunch of these sitting
7 in a never-never land in our -- in our current docket.

8 MR. CONNELL: Right.

9 CHAIR EMERY: So we want to create an
10 administratively closed category, where we are not
11 successful in finding out anything further about a
12 complainant in order to pursue the complaint; and
13 therefore, there is a resolution included in your
14 packet which is on page three. And I don't think I
15 have to read it into the record, but it's in the
16 packet on page three, and I would I move its
17 adoption in order to create this category.

18 MR. GITNER: I second it.

19 CHAIR EMERY: All right. All in favor?

20 Any discussion first? Anybody want to talk about
21 this category before we finalize the vote?

22 O.K. All in favor?

23 (All hands raise.)

24 CHAIR EMERY: Any opposed?

25 (No response.)

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1 CHAIR EMERY: All right.

2 The second resolution has to do with the APU unit,
3 and it's a matter of giving the unit and its prosecutor
4 more discretion under -- with appropriate review, on
5 dismissal of APU cases. It occurs not with great
6 frequency but on occasion that cases that go to the
7 APU, as substantiated by the panel, when they are
8 pursued by APU for prosecution and witnesses are
9 prepared and further investigation is done for
10 presentation of those cases in the Departmental Trial
11 Room at the Police Department that, for one reason or
12 another, either new facts develop or the complainant
13 is no longer cooperative or other factors, as an
14 ethical matter, require the APU to dismiss the case.
15 And this resolution sets forth a protocol for those
16 situations that allow APU prosecutors, with the review
17 of the Assistant Chief Prosecutor, the Chief
18 Prosecutor, the Executive Director and the Chair to
19 concur in dismissals of cases when there is a good
20 reason to do so. And that is on -- I guess it's the
21 next page after page three. It's on the back side of
22 page three. It's another page one.

23 And, I would -- we can have some discussion of
24 this. Does anyone have any issues with this?

25 Dan?

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1 MR. GITNER: I don't have issues. I have
2 questions.

3 MR. EMERY: Sure. And maybe Jon Darche and
4 Vivian can answer some of these if I can't, or
5 whatever.

6 MR. GITNER: Well, it may be best addressed to
7 Jon or Vivian.

8 CHAIR EMERY: Sure, sure.

9 MR. GITNER: Can you give us an example without
10 being specific, giving us an example of a specific case,
11 but give us an example of the kind of ethical matter
12 that might arise that requires dismissal that you might
13 have experienced in the recent past?

14 MR. DARCHE: When a person has complained of an
15 incident where there were multiple police officers
16 involved, the investigator identified one particular
17 officer as the person who had that conduct, and then,
18 when we're preparing the case for trial, the witness is
19 like, "No. I know Officer X. Officer X isn't the one
20 who did that. Officer X was standing over there." We
21 just can't go forward when we know Officer X didn't do
22 that conduct.

23 MR. GITNER: And so, as it stands now you're
24 required to go forward?

25 MR. DARCHE: As it stands now, we would have gone

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1 back to the original panel with requests.

2 MR. GITNER: I see. In a very cumbersome process.

3 MR. DARCHE: Yes.

4 MR. GITNER: I see. Well, aren't there other
5 examples, though, that are less stark, where rather
6 than sort of, look, you've got the wrong guy or it's
7 obviously the wrong charge, you might be thinking that
8 rather than going through the APU, perhaps a command
9 discipline or something else is warranted? I mean, are
10 there already ways that you could sort of, quote,
11 unquote, plead it down?

12 MR. DARCHE: So --

13 CHAIR EMERY: We have a resolution we passed in
14 September --

15 MR. GITNER: I see.

16 CHAIR EMERY: -- about pleas.

17 MR. GITNER: I see. So this is separate and apart
18 from that?

19 CHAIR EMERY: This is separate apart.

20 MR. GITNER: O.K., great.

21 CHAIR EMERY: This is a flat out dismissal.

22 MR. GITNER: Perfect. O.K., that answers my
23 question.

24 Oh, I do have one other question.

25 CHAIR EMERY: Sure.

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1 MR. GITNER: On the second part of it -- I don't
2 know if you're also discussing the second part.

3 CHAIR EMERY: No. We're going to go to that next.

4 MR. GITNER: O.K. Sorry.

5 CHAIR EMERY: Under reconsideration.

6 MR. GITNER: Fine.

7 CHAIR EMERY: We'll go to that next, O.K.?

8 MR. GITNER: Yes. Thank you.

9 CHAIR EMERY: Do we have a second? I'll move
10 it.

11 MS. CORTES-GOMEZ: I second.

12 CHAIR EMERY: Second. All those in favor?

13 (All hands raise.)

14 CHAIR EMERY: Any opposed?

15 (No response.)

16 CHAIR EMERY: O.K.

17 The second APU proposal resolution is for a
18 protocol for reconsidering cases. At the request --
19 and this is at the request of the Police Department.

20 When the Police Department comes up with a
21 specific basis that they give us in writing within a
22 certain period of time -- now, the time is not yet
23 agreed upon for this but we will make this subject to
24 an agreed time period which we will confirm in our next
25 public meeting. But the principle is that there will

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1 be a time period within which the Department Advocate's
2 Office can tell us -- and I want to take out the "20
3 business days," because we'll talk, so take out on
4 the third line "within 20 business days" because we're
5 going to have figure out what the appropriate time is
6 that's workable between our office and the Police
7 Department, and I definitely want to have a period for
8 reconsideration in there that's fixed -- that they've
9 come up with either new facts or legal principles
10 which, rather than having them just simply dump the
11 case, which they theoretically could do and they do do
12 now because they have final say over discipline, they
13 send it back to us for reconsideration. So that -- and
14 they tell us what the basis is for that
15 reconsideration so we can either reject that basis
16 because we don't agree with it or we can reconsider
17 based on something either our investigators or the
18 panel did not think of.

19 It's a remand process if they feel that there's
20 a basis for remand to us. And it gives us the
21 opportunity before they simply unilaterally change
22 our recommendation to revisit it and perhaps
23 convince them, as I hope we can, that their concerns
24 about the case are not warranted and that they ought
25 to continue to abide -- or they ought to abide by our

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1 recommendation.

2 So that is on page two, the second page two of
3 this packet, and it continues to -- and it sets forth
4 a protocol for that mechanism for reconsidering cases
5 at the request of the Department Advocate's Office.

6 Dan, you had questions about this.

7 MR. GITNER: My first question is more
8 definitional. I'm just not -- maybe this is just my
9 fault, what is the CMU Director?

10 CHAIR EMERY: Case Management Unit.

11 MR. GITNER: Got it, O.K.

12 CHAIR EMERY: So that's Denise Alvarez and her
13 unit.

14 MR. GITNER: Got it, O.K.

15 CHAIR EMERY: Yes.

16 MR. GITNER: So I am familiar with this.

17 So I do have a more substantive question.

18 CHAIR EMERY: Sure.

19 MR. GITNER: It really refers to Paragraph 6, and
20 it's a similar question in Paragraph 7, which allows
21 the Executive Director to agree or disagree with
22 a determination, or the Chair to. Does the -- is
23 there a standard by which the agreement or
24 disagreement should reach?

25 In other words, what if the panel made a decision

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1 based on a credibility determination but the Executive
2 Director disagrees and thinks that the witness was
3 telling the truth, whereas, the panel thought the
4 witness was lying, and that just changes the legal
5 analysis, or are we solely concerned with the correct
6 legal analysis, or is it sort of everything up in the
7 air, regardless?

8 CHAIR EMERY: I would answer that by saying that
9 that depends on the basis on which DAO has asked us to
10 reconsider. In other words, they are documenting in
11 writing a reason for us to reconsider, and if that
12 rises to the level of something that causes us to doubt
13 the judgment either of the investigators that were
14 recommended, a result that the panel adopted, or
15 something that the panel did notwithstanding the
16 recommendations of the investigators, which happens as
17 you know, then, this process would be triggered by the
18 focused point made by DAO in their written concerns
19 that they've raised.

20 MR. GITNER: I see.

21 I was actually thinking of trying to provide more
22 discretion in this process and not necessarily having
23 to rely on whatever -- let's say DAO raises point A but
24 the Executive Director or the Chair thinks, O.K., now
25 that I've looked at it, not only is there point A, which

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1 I'm not sure I agree with, but there's point B and C,
2 and those are also reasons for reconsideration

3 CHAIR EMERY: Well, there's a procedure now for
4 that.

5 MR. GITNER: O.K.

6 CHAIR EMERY: And that, as I understand it, that
8 procedure, under our rules, is such that the Chair --
9 any member of the board -- any member of the panel
10 and/or the Chair can raise a question about any case
11 and bring it to the entire board.

12 MR. GITNER: O.K.

13 CHAIR EMERY: And under those circumstances, where
14 there would be something not -- this is a subset of
15 that, where DAO does and then there's a -- raises an
16 issue and that follows this protocol; whereas, your
17 situation, where there's some issue that a member of
18 this board raises, is handled in the more traditional
19 way under our rules.

20 MR. GITNER: O.K. I think I understand.

21 I mean, my -- if DAO raises a question, they may
22 question A.

23 CHAIR EMERY: Right.

24 MR. GITNER: The Executive Director, hopefully,
25 will be a very smart, intelligent person in his or her

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1 own right, with his or her own ideas, I don't want the
2 Executive Director to be limited by whatever DAO thinks.

3 CHAIR EMERY: That's interesting.

4 MR. GITNER: I don't want you, because you, as the
5 Chair also have a role here, to be limited by whatever
6 issues are raised by DAOs.

7 My question is more aimed at trying to make sure
8 that the interpretation of this, because I don't think
9 it necessarily says one way or the other, the
10 interpretation is not a limited one, but to the extent
11 legislative history matters, on this record it should
12 be a broad one, in my view.

13 CHAIR EMERY: Well, here's what I'd say about that.
14 I feel a little bit constrained by the rules that are
15 promulgated and in effect and would require the normal
16 rule-making process that those rules have gone through
17 with publication and public comment.

18 MR. GITNER: Yes.

19 CHAIR EMERY: These are simply board resolutions --

20 MR. GITNER: I agree.

21 CHAIR EMERY: -- for things that are not covered
22 by those rules.

23 MR. GITNER: O.K.

24 CHAIR EMERY: I think the issue you're raising is
25 actually covered by those rules and therefore -- and

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1 this protocol is not, and therefore, I think we are on
2 solid ground on this protocol --

3 MR. GITNER: Great.

4 CHAIR EMERY: -- whereas, we wouldn't be on such
5 clear ground if we were to make the discretion that
6 great without a full board reviewing a case of that
7 nature.

8 MR. GITNER: Great. Thank you.

9 CHAIR EMERY: All right. Any other comments or
10 thoughts?

11 MR. CAPERS: So I do have.

12 CHAIR EMERY: Sure.

13 MR. CAPERS: Richard, can you speak more about
14 about the impetus for this protocol? I don't know if
15 that's information you can share.

16 CHAIR EMERY: Sure.

17 MR. CAPERS: And the second question is, since we
18 still don't know the time period in the first
19 provision, is there any advantage or disadvantage in
20 waiting until we know that time period?

21 CHAIR EMERY: Well, we can wait if you want
22 to table this for the next meeting.

23 The impetus is two-fold. One, it's grown out a
24 series of cases where DAO has questioned issues that we
25 actually went back to panels with to reconsider, and

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1 rather than having that ad hoc process, I wanted to put
2 it in a protocol. We accepted one of their
3 explanations and we rejected another. In fact, in the
4 one we rejected, we added a police officer and
5 subbed -- subbed something that had not previously been
6 subbed, which was a supervisory officer we felt should
7 be subbed when it was reconsidered. So this protocol
8 has arisen out of that ad hoc process.

9 It also is, the impetus of this, is also that I
10 felt, and I think that the DAO agreed, that they should
11 not be making unilateral decisions about our
12 recommendations and our findings; that if they disagree
13 with them, rather than simply recommending to the
14 Police Commissioner not to abide by our
15 recommendations, they should give us another
16 opportunity to look at it before they went through the
17 process of abdicating from our recommendation or
18 deviating from our recommendation.

19 So this is kind of a situation that's militated by
20 the fact that the PC, the Police Commissioner has final
21 say over every form of discipline, and, his desire and
22 the DAO's desire to respect our rulings and give us the
23 benefit of the doubt when they disagree by allowing us
24 to have a response to their disagreement before they
25 act on it.

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1 So in that regard, I think -- I think that I
2 would -- it's up to you all. If you think we should
3 wait for the time period -- I don't think the time
4 period is that critical. I think if it's 45 days or
5 even 60 days, that wouldn't be the worst thing in the
6 world, or, if it's 20 days. So I think if they need
7 more time, if they tell us the administration over
8 there needs more time just because that's the way they
9 operate, we can defer to that. I'd like it shorter
10 because the panel will -- because the various people
11 involved will remember more, the investigators and
12 supervisors will remember more. But I don't think it's
13 the end of the world if we have to review the evidence.

14 So I would leave it open and then put the time
15 period before you at the next meeting but in principle
16 agree to the protocol as a resolution.

17 MR. CAPERS: So let me try to explain my concern,
18 and I might be completely off in what I feel.

19 It seems like they would benefit from this
20 protocol to a certain extent. If they would benefit,
21 then we might lose our bargaining power by approving it
22 or agreeing to some time period. So I'd rather table
23 it --

24 CHAIR EMERY: O.K.

25 MR. CAPERS: -- and use that as a bargaining chip.

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1 CHAIR EMERY: I think that's a perfectly
2 reasonable point of view.

3 So we agree we'll table this till the next
4 meeting at which point we'll fill in the blank of
5 the time period and then reanalyze it.

6 MR. GITNER: I'm fine.

7 I just have another question that occurred to me
8 as you were speaking.

9 CHAIR EMERY: Sure.

10 MR. GITNER: Is it fair to say if the police
11 department comes back to us and says they disagree, and
12 ultimately, the full board or panel or whoever
13 continues to disagree with the Police Department,
14 the reason why we disagree with the Police
15 Department and are sticking to the decision --

16 CHAIR EMERY: Yes.

17 MR. GITNER: -- will be communicated.

18 CHAIR EMERY: Absolutely.

19 MR. GITNER: And so it actually -- and then the
20 Police Department has an opportunity to reconsider
21 its own --

22 CHAIR EMERY: Exactly.

23 MR. GITNER: -- initial view.

24 CHAIR EMERY: That's right.

25 MR. GITNER: And so it actually -- although I

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1 understand the point that it changes the balance a
2 little bit, but in that sense, it provides the CCRB
3 with more power --

4 CHAIR EMERY: That's right.

5 MR. GITNER: -- because it provides us a new
6 and different and powerful focused avenue to explain
7 our reasoning.

8 CHAIR EMERY: Exactly.

9 MR. GITNER: Correct?

10 CHAIR EMERY: Exactly.

11 MR. GITNER: Thank you.

12 CHAIR EMERY: Well, I mean, I think
13 we're going to more and more be explaining our
14 reasoning when we send serious cases over --

15 MR. GITNER: I agree with that.

16 CHAIR EMERY: -- especially APU cases.

17 But you're absolutely right; the focus on our
18 reasoning to support something that has already been
19 questioned, I think does give us more leverage in this
20 process. And if they disagree with it then, it's at
21 their peril.

22 MR. GITNER: Right, thank you.

23 CHAIR EMERY: So we have agreement to table it to
24 the next meeting based on the --

25 MR. GITNER: Yes.

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1 CHAIR EMERY: O.K. Good. We'll do that.

2 Finally, I just wanted to report that we wanted
3 to -- we probably are going to do some rule-making
4 on the issue of APU adding charges, but we have
5 determined that we can't add charges. In other words,
6 a case comes out as a sub and there's investigation
7 and there's prosecution on charges and specifications
8 that come out of the sub. And APU takes it on and they
9 determine that they should really be charging something
10 different than the panel had recommended or had found
11 and they want to add charges. That, it seems to me, is
12 protocol that we have to pass through rule making.
13 And we have to go through a comment period and do
14 it because it is, in some sense, a change of current
15 rules.

16 And so, I just wanted to flag that for you, and
17 we're going to put something together and we're going
18 to start the rule-making process. Jonathan and Vivian
19 are going to put something together, and we're going to
20 start that rule-making process, assuming -- and bring
21 it to the board next time for a -- I mean, for a rule
22 that we'll be proposing in the administrative process
23 of the city.

24 Finally, we talked about a resolution on
25 discourtesy, and it's just talk at this point, but I

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1 thought I should open it up at this meeting because
2 there are what I consider to be ridiculous rulings from
3 OATH and from the Trial Room about discourtesy being
4 something that police officers are allowed to engage in
5 in so-called stressful situations.

6 Now, there may be some rule for allowing a police
7 officer to get away with some form of discourtesy in the
8 most extreme situations, but it's certainly a high
9 priority of this Police Department to eliminate as much
10 discourtesy as possible. And I don't think we should
11 be -- my personal view is, and I don't pretend that the
12 board has this view, but my own personal view is that
13 discourtesy is a lack of professionalism and a kind of
14 personalization of an interaction between a complainant
15 and an officer, which is, if ever, extraordinarily
16 rarely something that should be permitted. But because
17 the New York City Police Department is now entering
18 into a period when they're going to retrain every
19 officer, especially on the issue of discourtesy, as
20 well as force and as well as other matters, but they're
21 they're going to focus a lot on discourtesy, I'm told,
22 I don't think we should be doing anything on this
23 until we determine what their policies and procedures
24 are going to be in the new Patrol Guide in the new
25 training process so -- and then we can hopefully

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1 reflect that.

2 However, if we think that discourtesy should be
3 something that we are not tolerating, even if the
4 Police Department thinks that it is tolerable in some
5 form, that's a discussion we also want to have and make
6 a decision about for ourselves. Because I, quite
7 frankly, have little or no tolerance for police
8 discourtesy. So I just leave it with that and it
9 was something that we were going to consider and
10 perhaps try to pass a resolution about, but I think
11 it's premature given what's going on in the training
12 of the department.

13 With that, I would like -- unless there are
14 comments from any others? Any new points about
15 this?

16 Lindsay, you look like you want to say
17 something.

18 MR. EASON: No. I think it deserves a
19 conversation at the appropriate time. I mean,
20 you know, the discourtesy.

21 CHAIR EMERY: You may disagree with me on
22 this.

23 MR. EASON: No. I don't disagree.

24 CHAIR EMERY: You don't have terrible things to
25 say about it?

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1 MR. EASON: I think there should be --
2 I think there should -- I want to stop short of
3 saying zero tolerance, but there should be a
4 maximum amount of concern about discourtesy. So
5 it deserves a conversation, an in-depth
6 conversation.

7 CHAIR EMERY: You see, in my view, discourtesy
8 just escalates interactions and it leads to much more
9 serious problems than the discourtesy itself. But it
10 is never tolerable for those reasons because it
11 ignites, it ignites situations which should have
12 never occur.

13 MR. EASON: And this is where emphasis comes in on
14 the new training where they're teaching disengagement.

15 MR. EMERY: Right.

16 MR. EASON: So -- which will reduce a lot of that
17 discourtesy.

18 CHAIR EMERY: O.K. Any other comments
19 before we go to public comments?

20 O.K. So we have a list of people who would
21 like to speak. Let's limit it to some degree. I
22 mean, five minutes on the outside. We have a
23 bunch of people who want to talk, and we're not
24 here -- we have some more people? Thanks.

25 We have seven or eight people who want to talk.

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1 So first is Ephraim Cruz.

2 MR. CRUZ: Do you want me to use the mic?

3 CHAIR EMERY: Yes, please, if you would, and for
4 the record, would you say your name and spell it.

5 What else do we want you to say? If you're
6 representing anybody, obviously, feel free to include
7 that.

8 Anything else?

9 MR. CONNELL: Organization that you're representing.

10 CHAIR EMERY: Yes, great.

11 You've spoken before, Mr. Cruz --

12 MR. CRUZ: Yes.

13 CHAIR EMERY: -- so we're happy to have you here.
14 Thank you.

15 MR. CRUZ: Good evening, everyone. My name
16 is Ephraim Cruz, E-P-H-R-A-I-M C-R-U-Z. I was
17 last before the board in August down at 100 Church
18 Street.

19 CHAIR EMERY: Oh, yes, that's where it was.

20 MR. CRUZ: I have ties that go back 24 -- I'm a
21 native of the Bronx but this was my -- the first
22 precinct I patrolled out of at with the NYPD was the
23 52, who has a commander, who's been 24 years in right
24 now at the helm of the 52, and that's exactly when I
25 started patrolling, 24 years ago, who I recently

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1 confronted and exposed the conduct coming out of the
2 NYPD throughout the Bronx with Bronxites For NYPD
3 Accountability.

4 I also want to mention that when I moved on
5 in my law enforcement career, I went on to become a
6 federal agent with the Department of Justice and
7 Homeland Security, specifically, with the U.S. Border
8 Patrol. So I lend my law enforcement inside experience
9 to my fellow Bronxites who have grave concerns about
10 being at the forefront of the receiving brunt of police
11 abuses and also of being number one in generating
12 tort settlement claim payouts, which we interpret as
13 hush money for those abuses without much
14 accountability.

15 I do want to thank the board before I continue for
16 coming out of 100 Church Street, bringing the meetings
17 to the public, out in the community, also, at a time
18 when people can attend. I think at the August meeting,
19 one of the things that we presented to the board was the
20 location was inaccessible, it took me two hours during
21 rush hour to get downtown, and also the time of
22 day made it difficult for people to attend. So I do
23 that personally, and on behalf of those that work and
24 want to the attend the meeting who are here tonight,
25 thank you to the board for doing that.

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1 I'd be remiss, Mr. Emery, nothing personal,
2 if I didn't remind folks that I took exception with
3 your close personal relationship with Commissioner
4 Bratton, at that August meeting.

5 CHAIR EMERY: I remember it well.

6 MR. CRUZ: And I just want to mention that again
7 because you're only in four months. I think it kind of
8 hangs around the neck of the board, like albatross, for
9 the board to operate effectively in building trust for
10 people to come forward and share their concerns with
11 this board.

12 But tabling that issue, I haven't asked of you,
13 Mr. Emery, being that you have a close relationship
14 with NYPD Commissioner Bill Bratton, in asking that he
15 order precinct commanders to divulge at every precinct
16 committee council meeting specific statistics on a
17 monthly basis with a similar CompStat breakdown of
18 officer misconduct. How many from month to month,
19 year-to-date, the nature of those abuses and what
20 commanders are doing on a
21 micro-level, station level to address those
22 abuses.

23 We've begun to do that on our behalf from a
24 position of self-respect and collective dignity,
25 pitching the CCRB stats at these council meetings.

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1 Only one commander out of the 43 Precinct, Russell
2 Green, has committed without much reservation to doing
3 so and has done so. When we asked in September, he
4 followed through thoroughly in October and in
5 November.

6 At other precincts, we've been receiving a lot of
7 hostility. Reports in The Riverdale Press deemed
8 them -- they raged on this topic of accountability;
9 another reporter at the 42 said it was intense because
10 that's push-back that we're getting. I think police
11 officers forget who they serve, and it's the people.
12 We pay their salaries, not Mayor de Blasio, not
13 Commissioner Bratton.

14 Brian Connell, is it?

15 CHAIR EMERY: Yes.

16 MR. CRUZ: You mentioned some statistics about the
17 52 that I don't think Commander Hoffman was very
18 forthcoming about when we were just there two to three
19 weeks ago, and I was wondering where you got those
20 precinct-specific stats in this report that you handed
21 out.

22 Is there a certain page I can find that or it
23 something exclusive that you guys have that we can
24 get copies of precinct by precinct for the Bronx.
25 I can't speak for the other boroughs. But we're

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1 trying to hold the Bronx precinct commanders
2 accountable for the conduct of their officers. Is
3 there a certain page you got that from or is it
4 something exclusive that you have access to?

5 MR. CONNELL: We can get you that
6 information, sir.

7 MR. CRUZ: We would love that.

8 MR. CONNELL: We also --

9 CHAIR EMERY: It's -- yes, go ahead.

10 MR. CONNELL: We also have on our website
11 the precinct map and it shows the increment, the
12 increment of the 100 and 150 complaints for those
13 precincts so you can see by precinct area what those
14 are.

15 CHAIR EMERY: It's important to understand that,
16 first of all, it's not up yet. It should be up within
17 a matter of a couple of days. But, second of all, it's
18 the complaints generated geographically within the
19 precinct. It's not necessarily by cops assigned to
20 that precinct.

21 MR. CRUZ: Right.

22 CHAIR EMERY: Just so we're clear about that.

23 MR. CRUZ: And that's what we want.

24 CHAIR EMERY: Yes.

25 MR. CRUZ: Because when we go to the council

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1 meetings, we want to see if what the commanders are
2 putting forth --

3 CHAIR EMERY: Right.

4 MR. CRUZ: -- is forthright.

5 CHAIR EMERY: Right.

6 MR. CRUZ: Or if they're withholding or trying
7 to downplay the numbers because there are some serious
8 concerns that we're bringing up at these meetings.

9 CHAIR EMERY: I think you're going to see those
10 numbers by precinct. We hope to go more
11 granularly than the precincts, by sectors or by
12 blocks, whatever --

13 MR. CRUZ: Right.

14 CHAIR EMERY: -- in the long run, but right now
15 when it goes up, you'll be able to see what I just
16 described by precinct, by complaints.

17 It should give you exactly what you're talking
18 about, I think, and if it doesn't, you should tell us
19 why it doesn't.

20 MR. CRUZ: O.K.

21 MR. EASON: As I mentioned, Richard, in my
22 comments, we're looking for that exchange. Once we go
23 live, and you have an opportunity to analyze it and
24 provide feedback, that's what we are looking for.
25 So you, as well as we, can have confidence in the

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1 numbers that you're looking at.

2 MR. CRUZ: And lastly, building on that, I was
3 listening to the exchange that you were having for the
4 last amount time, since this meeting started, and I'm
5 listening to this CAMs initiative. And it seems to me
6 like this board is caught up in a lot of busy work, and
7 a lot of opportunities are given to men and women who
8 have taken an oath and understand that oath and should
9 be held to a much higher standard, a much higher
10 standard than the public is given.

11 And there's all these opportunities. You make
12 recommendations; Bratton kicks them back. We'll
13 review it again, recommendations; he dismisses
14 25 percent.

15 Even the Bronx District Attorney, you know, with
16 two cops out of the 46 recently who were convicted,
17 is only seeking probation when the charges call for
18 90 days, at least, in jail time, which, would make us
19 feel much better, ordinary folks on the street. And
20 maybe I don't fit that mold having come from law
21 enforcement myself, but noticing this disparity of
22 treatment, it seems like there's a lot of busy work,
23 and I would like to see some more back towards CopStat.

24 And maybe rather than your recommendations going
25 to Bratton, maybe the board should coalesce and have

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1 a meeting with Mayor de Blasio and request that your
2 recommendations go to the district attorneys of the
3 respective boroughs for criminal action not slaps
4 on the wrists, especially when you have -- not so
5 much on the discourtesy and the offensive language
6 but on the use of force issues--a lot of that
7 stuff is caught on camera--and the outright
8 crimes.

9 There's a lot of esquires sitting on this board
10 and we can interpret that. But make no mistake, there
11 is criminal activity from what I call the perps in
12 blue. And I'm offended to come from law enforcement
13 and see case after case that cops are getting away
14 with crime, official crimes.

15 And maybe that's what this board needs to do;
16 rather than making its recommendations to Bratton, they
17 needs to be made made to the respective district
18 attorneys, and maybe you should be working more closely
19 with the ADAs to prosecute officers so that we can
20 secure accountability. Thank you.

21 CHAIR EMERY: Thank you.

22 Edwin Figueroa.

23 MR. FIGUEROA: Good evening. My name is
24 Ed Figueroa. I'm a member of the South --

25 CHAIR EMERY: Yes, go ahead.

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1 MR. FIGUEROA: Should I spell out my name?

2 CHAIR EMERY: Spell your name if you would, for
3 the reporter.

4 MR. FIGUEROA: E-D-W-I-N F-I-G-U-E-R-O-A.

5 CHAIR EMERY: Thank you.

6 MR. FIGUEROA: And I'm representing my
7 organization; it's called South Bronx Community
8 Congress. We are a community-based organization
9 that -- we're basically a clearinghouse for
10 community-based individuals who have problems or
11 situations either with the transit or schools or even
12 these type of situations.

13 I don't have the background of the last speaker.
14 I'm a city employee. And I'm here because of the
15 information that's been coming through the media these
16 days about the police brutality, and particularly, I'm
17 troubled about the chokehold, which I thought was
18 illegal, and was used to kill an individual, another
19 taxpayer in the City of New York.

20 I'm glad to see there's a lot of attorneys on this
21 board. I don't really have a specific question for you
22 guys. It's basically just a statement.

23 You know, as taxpayers, you know, a long time ago
24 my older brother came from Vietnam, served his country,
25 came back home and couldn't find a job and sometimes he

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1 was that guy, that guy who got choked to death. You
2 know, he didn't have a job and he had to do a little
3 hustling. And it seems that most of these situations
4 are happening in my Zip code. You know, a kid could be
5 riding a bike on the sidewalk on Webster Avenue and a
6 police officer can approach him in a manner that's
7 different to a kid riding a bike on Lexington Avenue
8 and 86th Street.

9 It seems to me that some of these things that are
10 happening seem to be driven by revenue as well. You just
11 asked -- or I just heard a statement earlier that you're
12 going to be expanding. I'm surprised that this stuff,
13 with the revenue that the city gets from our community,
14 this situation should be expanded and financed to the
15 nines. Most of the revenue that I see the city gets
16 mostly, I guess, the past 20 or 30 years is driven from
17 what happens in our community and this situation that's
18 going on.

19 I mean, I'm glad that, you know, you have a new
20 representative, that you came into the Bronx, and that
21 you're listening to common folk because the situation
22 for us is -- really, this is ground zero. And you guys
23 need to -- you know, I mean, I hope that I'm not the
24 last common Joe that comes to one of these meetings and
25 to express, you know, and I think I'm being really

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1 diplomatic, because, you know, coming from my brother's
2 background, you know, we should be throwing Molotov
3 Cocktails to get understood, finally. Because that's
4 the situation in our neighborhoods. Some of our
5 parents, our older brothers and the kids, you know,
6 there seems to be a connection with the schools to
7 pipeline to jails, the lack of jobs, you know, the high
8 rents; we're being gentrified. You know, we have no
9 other form of expression, other than, you know,
10 anything but acts of violence in situations.

11 So I'm just hoping, you know, that the message is
12 getting through that you guys -- you know, obviously,
13 you have to do things your in form. You know, we in
14 the community that are active, we try to connect the
15 dots and we just hope that you guys do the right thing
16 for the taxpayers from our Zip codes as well.

17 CHAIR EMERY: Thank you very much.

18 Jose LaSalle.

19 MR. LaSALLE: Hi. How y'all doing today?

20 CHAIR EMERY: Good. Thank you.

21 MR. LaSALLE: Thank you for coming into the
22 Bronx --

23 CHAIR EMERY: Sure.

24 MR. LaSALLE: -- which is my hometown.

25 CHAIR EMERY: I've seen you at another -- I

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1 saw you at 100 Church Street, too, though, right?

2 MR. LaSALLE: Yeah. You've seen me at a few
3 of them. In Staten Island, too.

4 CHAIR EMERY: But at least we're here in the
5 Bronx for you this time.

6 MR. LaSALLE: Right. Well, for the people.
7 It's not just for me, for the community in the Bronx.

8 CHAIR EMERY: Well, for you among the people,
9 correct.

10 MR. LaSALLE: Right.

11 One thing I want to touch upon -- there's like
12 three bullet points, but the first one that I want to
13 touch upon is about -- I'm Jose LaSalle.

14 MR. EMERY: Spell it for the reporter.

15 MR. LaSALLE: Yes. J-O-S-E L-a-S-A-L-L-E.
16 I'm a co-founder of Copwatch Patrol Unit, CPU, and
17 we've basically been patrolling within the five
18 boroughs but we isolate in more in the Bronx and in
19 Harlem because that's the two places we have our
20 chapters in so far.

21 My concern is, as a well-known cop watcher and
22 community activist, us being targeted by police.
23 On September 28th, I was documenting police, and I
24 guess police didn't like me documenting them, so I
25 was slammed against the gate on my head. I was also

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1 assaulted, end up spending two days in the hospital
2 and end up getting arrested.

3 They take me to the precinct. They don't read me
4 my rights, they deny me medical attention, and they
5 strip-searched me, and they put me in a cell. Didn't
6 take no fingerprints or nothing. Officer brag about
7 how they had me for disorderly conduct, for assaulting
8 a police officer, obstructing the administration of
9 justice, and so many other things that they was
10 throwing at me, like we got you. And end up spending
11 three to four, five hours in the precinct.

12 Then I am approached by one of the arresting
13 officers and given a jaywalking ticket and let go.
14 Then, they hold my phone which had documented the
15 incident before it was slammed by one of the
16 officers. They hold the phone for arrest evidence.
17 They hold my Clear for arrest evidence, and they hold
18 my mother's benefit card which I had, since I do all
19 her shopping and stuff for her, for identification
20 purposes, to find out who the person is. I had to give
21 them an identification card but the phone and the other
22 things are still held at the precinct.

23 So the reason I mentioned that is because
24 the same officer that assaulted me that day, which was
25 September 28th, on February, I filed a complaint with
the CCRB against that officer because he put his hand

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1 on me. That complaint is still on your desk. It still
2 hasn't been answered.

3 CHAIR EMERY: Yes.

4 MR. LaSALLE: So I feel if y'all were to answer
5 that complaint, maybe that same officer who I filed a
6 complaint on February would probably would have thought
7 about it twice assaulting me in September of 2014,
8 February 2014.

9 So I know you spoke about finding a way to answer
10 these complaints in a much more quicker manner, a much
11 more reasonable manner. So I respect that for y'all
12 even bringing up. So I hope you guys work on that very
13 hard because that could prevent what happened to me
14 from happening to somebody else.

15 Also, just now, another young man was assaulted
16 in Brooklyn, this just happened a few hours ago, for
17 documenting police. Probably that will be on your desk
18 soon.

19 CHAIR EMERY: Hmm.

20 MR. LaSALLE: For documenting police as well, in
21 Brooklyn, then he was arrested for assault.

22 One thing I want to ask you about that, dealing
23 with people who are documenting police, are within a
24 reasonable distance are protected by the First
25 Amendment of the Constitution, how do y'all look at

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1 these cases when they come and are presented to you,
2 when these complaints land on your desk and you're
3 investigating? How do you guys investigate it? And,
4 do y'all investigate it in a unprejudiced way, meaning
5 that, in other words, you're listening to the
6 complainant, of what he's saying and what is happening?
7 Because it's happening too much.

8 It's not isolated incidents. It's happening too
9 much. And y'all spoke about it before, dealing with
10 this issue, dealing with recording police. That's one.

11 Then the next thing that I want to talk about is
12 dealing with -- dealing with the precincts, which I
13 feel is very important. Now, like Ephraim
14 spoke about the precinct, when we went to the 52nd
15 Precinct, Nilda Hoffman, who is the Deputy Inspector
16 there, supposedly gave a statistic there was only
17 20 something officers that was being accused of
18 misconduct and whatever else was being accused, which
19 was vague on us understanding of, you know, of what was
20 happening or what -- you know, who these officers or
21 what these officer did. But now, when we come here,
22 you're giving close to 64 to 65 complaints just in
23 that precinct. So, you know, I really would like y'all
24 to look into this.

25 And another thing is that I want or I think that

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1 you should look into it is that we in the community
2 need to know which of these officers got more than
3 one complaint against them. Because, these officers
4 could -- one precinct could have 64 complaints and one
5 officer alone could have 15 to 10 complaints. And, if
6 these officers have these many complaints, what are your
7 recommendations after the third or fourth complaint
8 against these officers?

9 And, dealing with that, it leads me to the
10 mediation process. I can't talk about what happened in
11 mediation 'cause I had to sign a paper that said I
12 couldn't discuss that. But I could discuss my
13 experience about the mediation. I did mediation twice
14 on the CCRB. To be honest, it was very unsatisfying.
15 And, not only that, these same officers are out there
16 doing exactly the same thing they did to me. Maybe
17 they're avoiding me; they not messing with Jose, these
18 same officers. But they're out there doing the same
19 thing to other people in the communities, and we're
20 documenting these things.

21 So we have taken upon ourselves to file complaints
22 against officers that we see that we feel that they
23 are being too aggressive in their approach towards our
24 civilians or they're not carrying out their duty to
25 serve and protect the community. And also, we are also

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1 filing complaints against any officers that we feel are
2 in violation of the Patrol Guide.

3 So what I have done with the CPU, Copwatch Patrol
4 Unit, we studying the Patrol Guide, in actuality, so we
5 can see officers and what they doing against the Patrol
6 Guide. It's similar to like quality of life; they're
7 targeting the community for the quality of life. So we
8 kinda figure, you know, let's give them a taste of what
9 they're giving us.

10 And when they don't follow the Patrol Guide, like
11 using their phone while they're on duty, spitting on the
12 floor, being aggressive, cursing, we're getting all of
13 this. Going into stores and not paying for the things
14 that they buy 'cause the store owner said, "Don't worry
15 about it, you could take it," so we're documenting all
16 these things.

17 Now, these are things that me and my group and
18 other groups are going to be filing complaints with the
19 CCRB. We want to know how you're gonna deal with these
20 complaint when they start coming to your table, and
21 they're gonna be coming in in big numbers.

22 CHAIR EMERY: Can I respond to --

23 MR. LaSALLE: Yes.

24 CHAIR EMERY: -- to your first?

25 First of all, are you -- you know, you stated

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1 essentially what a complainant would tell us on a
2 telephone call or when we interview him or her as an
3 initial matter about a complaint about your
4 September 28th event. It's against an officer you've
5 already identified from the February -- or from the
6 earlier in the year event, which is still pending.

7 Are you going to file a complaint on the
8 September 28th incident and the arrest and the phone
9 that's documented which is sitting in the precinct?
10 Because certainly, that's a complaint that, as you've
11 stated it, at least, would be investigated and be
12 investigated on a fast track basis under what you've
13 described.

14 MR. LaSALLE: Well, I have a meeting Monday with
15 somebody in your office to bring and speak about that
16 complaint.

17 CHAIR EMERY: So that subsequently has been filed.

18 MR. LaSALLE: So that has been filed, the filing
19 date --

20 CHAIR EMERY: Good. I just want to make sure that
21 was the case.

22 MR. LaSALLE: Yes.

23 CHAIR EMERY: We certainly take that complaint
24 very seriously, without a doubt.

25 MR. LaSALLE: But I guess that complaint won't

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1 fall under the mediation because of this other process
2 that I'm taken, too.

3 CHAIR EMERY: Well, you don't -- it's up to you
4 whether you want to mediate or not. What we
5 would do presumptively with a complaint like that --

6 MR. LaSALLE: Well, it was mentioned a or
7 something like that, that it's no longer a part of the
8 mediation, so we moved away from that.

9 MS. CORTES-GOMEZ: There's exceptions.

10 CHAIR EMERY: You could mediate it if you
11 probably insisted on mediating.

12 MR. LaSALLE: O.K.

13 CHAIR EMERY: If you don't want to mediate it,
14 there's no -- nobody is forcing you to mediate.

15 MR. LaSALLE: Oh, O.K.

16 CHAIR EMERY: And nobody is ever forced to
17 mediate, just to be clear.

18 In terms of the other things that you're
19 documenting, the things that are within our
20 jurisdiction are abuse of force, abuse of authority,
21 discourtesy and offensive language. So those things we
22 can pursue if we have a complaint, and if you're
23 documenting them, that certainly helps the complaint.

24 The other things, spitting on the sidewalk or not
25 paying or using their telephone, those are disciplinary

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1 infractions which have to be enforced within the Police
2 Department. We have no jurisdiction over those, just
3 to be clear.

4 MR. LaSALLE: O.K.

5 CHAIR EMERY: All right?

6 MR. LaSALLE: Another thing is I spoke to you --

7 CHAIR EMERY: Can you --

8 MR. LaSALLE: Yeah, I'm going to speed it up.

9 I spoke to you about having a representative from
10 your office to come to these precinct meetings and the
11 impact that it would have, not just showing you're
12 willing to take it a step further and make sure that
13 you're out there. While they have a district
14 attorney at every one of these meetings speaking
15 about coming -- you know, after the meeting, come to me
16 and talk to crime, at least we'll have somebody there
17 talking about if you have any issue with police
18 brutality or police misconduct, after the meeting
19 you could come see me.

20 CHAIR EMERY: That's an interesting idea. Let me
21 think about that.

22 MR. CONNELL: We've gone to two meetings.

23 MR. LaSALLE: That's something that I asked
24 before, and I would love for you all to be able to --

25 CHAIR EMERY: Apparently, we have gone to a

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1 couple, but as a matter of --

2 MR. CONNELL: Resources.

3 CHAIR EMERY: Excuse me.

4 MR. CONNELL: Given the resources that we have.

5 CHAIR EMERY: Right.

6 That's something we have to consider, and with
7 resources and all the rest, but it does make sense to
8 consider being there at these precinct meetings.

9 MR. LaSALLE: I want to make a last point.

10 CHAIR EMERY: Let's think about that.

11 MR. LaSALLE: To make a last point on that, like,
12 for instance, we got the, say in the Bronx, we got the
13 40 Precinct, the 44 Precinct, and the 46 Precinct. The
14 40 Precinct is the first Wednesday; the 44th, the second
15 Wednesday; the 46 is the third Wednesday. So what I'm
16 saying is you could assign one person to attend many of
17 these precinct meetings because they don't fall on the
18 same day of the month.

19 MR. EMERY: I understand. That's an
20 interesting --

21 MR. LaSALLE: So you could have one person,
22 actually, going to six or seven meetings every month.
23 So, you know, you won't need like a big force of twenty
24 people or things of that nature.

25 CHAIR EMERY: I think that's a very interesting

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1 idea.

2 MR. LaSALLE: O.K. And the last thing I want to
3 say is, with closing, is if you want, Emery and the
4 board, if you want the community to have faith in what
5 you are doing, if you want the community to trust that
6 you actually a voice for them, then maybe you or maybe
7 put an ambassador from your committee to come into
8 these communities where there's police brutality
9 rallies. It would be a great thing to have somebody
10 from the CCRB talking to people in there who have been
11 brutalized by police, whose family has been taken by
12 by the police, stolen by police to speak about your
13 role in fighting against police brutality, police
14 misconduct. Because it ain't no secret. I mean, we
15 see it every single day on YouTube. We see it every
16 single day taking place. So that would make the
17 community -- that would be something that the
18 community will start feeling comfortable about.

19 For instance, on the 29th of this month, there's
20 a police brutality rally that's taking place on -- in
21 the same street where Anthony Bias was choked out to
22 death. I mean, it's gonna be a peaceful rally. Now,
23 imagine how the community would feel if -- the
24 community would be -- first, they'd be surprised that
25 you was there. They'll be shocked; they'll be

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1 surprised; they would be very quiet. And, believe me,
2 they'll be listening, but if anybody, a representative
3 of your group would be -- of your committee would be
4 there to speak about what to do when they have
5 encountered a police interaction or a police stop, you
6 know, according to the same way that y'all put it in
7 the CCRB little pamphlets that y'all give out. And
8 somebody representing the CCRB, because this is what --
9 this is what your function are, to deal with police
10 misconduct and police brutality. So maybe a little
11 more involvement with the community dealing with this
12 police brutality. So, maybe a little more involvement
13 with the community dealing with this issue would play a
14 big role in making sure that the community starts to
15 believe in y'all and start to say to themselves, "You
16 know what? Maybe now that we have Emery involved in
17 this, maybe now we starting to see changes."

18 But until then, until you're willing to step out
19 your little circle, you know, your nest, I don't see
20 much of that happening. Thank you.

21 CHAIR EMERY: Thank you.

22 Chris Dunn.

23 MR. DUNN: O.K. Good evening.

24 CHAIR EMERY: Chris Dunn, for the
25 stenographer.

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1 MR. DUNN: New York Civil Liberties Union. I'm
2 going to be brief, not because I don't have a lot to say
3 I do, but, because there's six board members here, and,
4 frankly, I think it's a little upsetting that you have a
5 community meeting, we have seven board members who left
6 the board in the last sixty days, and we have a total of
7 six board members here tonight?

8 This board is considering major policy changes,
9 and there are seven board members who are here present
10 for the discussion?

11 It's not the way this agency should be run. And I
12 will tell you that -- and this will not come as some --
13 as any surprise, a number of things that you are
14 talking about are major changes and have major
15 consequences for the operation, philosophy and role of
16 the agency, and they should not be being made in the
17 way they are being made.

18 So, for instance, you are changing this agency
19 from an investigation agency into a mediation agency,
20 and I think that is a grievous mistake. I hear a lot
21 of discussion about the way the CCRB is operating, and
22 I understand that and I get that it's a new group of
23 people and you need to deal with your agency. I don't
24 hear any discussion about the Police Department and
25 about Police Department practices. And I understand

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1 the CCRB is the CCRB, but your role here is to be
2 paying attention to the Police Department, what it is
3 doing to people, namely, civilians on the street.

4 I was gone last month--I feel like Rip Van
5 Winkle--I go off to trial in Albany for a month and I
6 come back and the whole town has changed. Seven
7 board members are gone. There is one new board member
8 here --

9 MR. EASON: Me?

10 MR. DUNN: Yes, I haven't met you but I look
11 forward to talking with you.

12 Everyone else, of course I know.

13 Dan, it's nice to see you again.

14 But what I don't see is the change in -- that
15 should be coming with a new administration when it
16 comes to this.

17 And, Richard, I know you care deeply about this
18 stuff and I know your heart is in the right place and I
19 know you're doing the right things. But I'm telling
20 you, from where I sit -- and I watched last night every
21 excruciating minute of the meeting last month,
22 which was devoted entirely to CCRB business and
23 subcommittees and reorganization and processes. And I
24 it's all fine and I get that and I understand it -- but
25 if you're going to change your role in the community,

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1 and you're going to change your role in the Police
2 Department, you're going to change public engagement
3 with you, you need to be talking beyond your own
4 internal operations. You need to be talking about
5 police misconduct, police accountability, and police
6 discipline.

7 And to be clear, on mediation, mediation is
8 something that most people do not care about, but it
9 goes to the core of what you do and do not do. Just to
10 be clear, when you mediate a case, there is no
11 discipline. The officer will not be disciplined. O.K.?
12 When you mediate a case, there will be no full
13 investigation, including an interview with the
14 officer, the single-most important piece of evidence you
15 can collect in your investigations.

16 And, when you do mediation without an
17 investigation or an interview of the officer, you are
18 deprived of essential information so that you can do
19 the sort of policy work that can make the big
20 difference, because you can turn individual complaints
21 into policy reforms so that you have far fewer
22 complaints.

23 So as I said, I have many, many things to say
24 about what was said tonight. I think I will just end
25 up writing to you so that I can communicate to all

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1 the board members because there needs to be a full
2 board discussion about what is happening with this
3 agency and at least tonight was not an opportunity
4 for that. Thank you.

5 CHAIR EMERY: Thank you.

6 Elaine Shannon. Oh, I'm sorry. It's Shannon
7 Elaine, isn't it? Is that right?

8 MS. JONES: That's correct.

9 CHAIR EMERY: Shannon Elaine. Sorry.

10 MS. JONES: I will spell my full name.

11 CHAIR EMERY: Please.

12 MS. JONES: Shannon, S-H-A-N-N-O-N, last
13 name, Jones, J-O-N-E-S. Shannon Elaine is an
14 affectionate term that I reserve only for certain
15 folks. So that will not be for the board, maybe
16 six months from now. O.K.?

17 CHAIR EMERY: Well, you wrote it down here.
18 I'm just reading what I wrote.

19 MS. JONES: Yes.

20 CHAIR EMERY: What you wrote.

21 MS. JONES: O.K. So good evening, everyone. And
22 the benefit of not being first is getting the
23 opportunity to hear what the community has to say and
24 what the board has to say.

25 I graduated from CUNY Brooklyn College with my

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1 Master's Degree in Political Science and Urban Policy
2 Administration in June of 2007. I'm also an employee
3 for the City of New York. Those two things make it
4 possible and solely possible for me to (1) sit through
5 this meeting, which was very dense, very boring, not
6 focused on the community; and (2) read the statistical
7 reports for the past three months.

8 I'm eager to see on the Internet the new revamped
9 statistical mapping that you guys intend to produce.
10 To date, the statistics are not dedicated to the lay
11 reader, the lay community member, the 22-year-old in
12 the street that wants to know if Officer X has ever
13 told anyone else to get the F out of his face. We have
14 to do better.

15 Also, I would like to make mention of what the
16 other the community members have spoken about. CCRB
17 must absolutely be invested in reforming the trajectory
18 of the Police Department. Up until now, CCRB is a
19 joke. To whom? The community, the Police Department,
20 and to the authorities of the Mayor's office; it is a
21 joke. Because for police officers to have repeated
22 CCRB complaints over a period of months, over a period
23 of years with my taxpayer dollars to go for \$30,000,
24 \$40,000, \$125,000 to pay a victim for police brutality,
25 that is outrageous. And police officers are operating

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1 in our communities, particularly communities of color,
2 without discipline and without accountability.

3 With respect to police community precinct
4 meetings, that is one hub where intimidation begins.
5 Those that attend police precinct community meetings
6 are looked at, they're studied, investigated.

7 I had an opportunity to attend several over the
8 course of several months and I seen my gallery slip be
9 removed by the commander officer. I've watched this.
10 That is misconduct. That is abuse of authority. That
11 is discourtesy. As an employee of the City of New
12 York, I know personal conduct and professional conduct
13 can impact my job. It doesn't seem the same for the
14 Police Department.

15 CCRB's role needs to say, "Listen, we are putting
16 a stop to this. It disrespects the taxpayers that pay
17 your salary as a public service agency, it costs the
18 city and community too much money in settlements, and
19 it is just not the way we want our city to be run.

20 I second Jose LaSalle's statements in that the
21 CCRB must -- this is not -- really, it's really up for
22 consideration, because this is not rocket science here;
23 it's not. And I agree with the gentleman from the
24 Civil Liberties Union; this meeting was about an hour
15 and 45 minutes of policy discussion. When you come out

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1 into the community, it should be community focused:
2 What is the community thinking, feeling and demanding
3 of this board? Before midnight.

4 Is it after eight o'clock? Did you make dinner
5 for your family?

6 You came out here to get the attention of the
7 board, and you've had to wait an hour and 45 minutes
8 to address them. That is atrocious. And that is part
9 of the overall intimidation tactic of the authority
10 figures in the City of New York: You pack it very
11 densely with your own agendas, your own topics, and
12 then, uh-uh-uh, we're out of time, sorry, see you next
13 month. That is totally unacceptable.

14 CCRB, I would like to see you at the 52, 46, 42,
15 PSA 7, the 43 Precinct Soundview; make your presence
16 presence known to the community that this must stop.

17 And I'll be watching very closely for that
18 Statistical Live. I'm ready for it because I've been
19 watching, and those statistics that are provided are
20 just atrocious. It doesn't tell me how many police
21 officers in my precinct, the PSA 7, have complaints
22 lodged against them for this month. It just doesn't
23 tell me that. So I need to get that information on a
24 monthly basis.

25 And also, to second Mr. Cruz's statement,

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1 commanders need to provide that information to the
2 body politic, because that's part of covert operations
3 that the community says, How many complaints did you
4 receive last month? And particularly by Captain
5 Volchik (phonetically), of the 47 Precinct, when we
6 were told to "FOIL it." That's hilarious, right? I
7 was told to "FOIL it," and we know how long a FOIL
8 request takes.

9 You know what takes place in drafting one and
10 sending it and getting the results. It will be
11 September of 2016 before I get the statistics for
12 August of 2014. That's a disrespect to our community,
13 and apparently the Police Department believes that it
14 is fair and appropriate to address community members
15 in that way.

16 So that's my statement for this evening and
17 thank you for this opportunity.

18 CHAIR EMERY: Thank you, Ms. Jones.

19 And last but not least, Jazmar Trario

20 MR. TRARIO: I wish I went before her. I
21 don't know if I could follow up with that.

22 I just want to reiterate what Chris Dunn said
23 before he left about mediation, the fact that mediation
24 continues to be like a focus of this chairman, really
25 kind of speaks again to the underlying character of

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1 this agency, which regardless of what piecemeal reforms
2 you're throwing out there, is not changing. The fact
3 that we're talking about one of the proposals that was
4 tabled today, as at least one commissioner -- at least
5 one of your board members pointed out, allowing the
6 Police Department to make you walk back your
7 recommendations, putting aside the fact that the
8 recommendations aren't taken seriously by the Police
9 Commissioner, that they really don't have any
10 power, that they rarely end up in any discipline,
11 maybe a few vacation days, the fact that you're even
12 opening the door to be able to walk back even your
13 recommendations speaks to the fact that you guys are
14 like in awe of the Police Department's power.

15 And, Mr. Emery, I reiterate the point -- maybe
16 you've had a change of heart since we last spoke, but
17 you said that even if the -- even if you had your
18 choice, you had a genie in a bottle, you could make --
19 you could take the power away from the Police
20 Commissioner, you would still want Commissioner
21 Bratton to have that power? This -- that even opening
22 that door speaks to that, that you guys are not
23 willing to hold the Police Department accountable.
24 So even what you're -- even what the City Charter
25 allows you to do, you don't really want to do that; you

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1 don't even want to step on Bratton's toes.

2 But Mr. Dunn also brings up another point, the
3 roel of advocacy. So hopefully you'll take up Jose,
4 Mr. Cruz, the Bronx community members who were saying
5 that you need to be out at these meetings because
6 these community council meetings are basically NYPD
7 fan clubs right now and there's no talk of
8 accountability. Hopefully, you'll take them up on
9 that offer and have a more -- have an advocacy role,
10 also. Because one of the only things that you can do
11 so you can say the City Charter only allows me to go
12 up to this point, but you do have something else,
13 which is, you have visibility.

14 You guys -- you guys can call for things and say
15 things in a much louder voice than even the community
16 members can. So despite the fact that in this city a
17 regular working class person can't get the attention
18 of the authorities or of the media, you have the
19 ability to do that. And the fact that this
20 information is coming to your desk, you should be
21 able, even if there's just -- even if you just make one
22 recommendation out of a thousand complaints, you should
23 still be able to speak on those things. So you have to
24 use your platform to be able to do that.

25 So whether it's doing it in the communities, doing

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1 it in the media, calling a press conference, these are
2 things that you can do and the City Charter doesn't
3 prevent you from doing. So those are some things that
4 you, you know, that you should be doing as well.

5 But also, I also -- I mean, there's some things
6 I just have to react to. The IAB? I mean, are we
7 going to -- like Joe Resnick, who's the head of the
8 IAB, is right now, unless it's been changed, he's been
9 named in a lawsuit as calling the NYPD whistleblower a
10 rat. Like, why are we talking about collaborating
11 with the IAB, which we have long known isn't doing the
12 work of holding police officers accountable? Why are
13 we continuing to talk about closer ties with the
14 NYPD? I know Ben Tucker, the new number two, he's been
15 tasked with really working closely with your office, he
16 was here at the CCRB for all of these years when this
17 agency didn't do anything. Why are we continuing to
18 like kowtow to the NYPD over and over and over and
19 only coming to the community kind of just, you know,
20 just, you know, a nice sentiment to the community, a
21 nice little scraps to the community? We'll come out.
22 It's appreciated, people are coming out to these
23 meetings, but the character of the agency hasn't
24 changed.

25 No matter what you're doing on the surface, the

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1 core is still -- like if you look at the NYPD like it's
2 your big brother and you can't -- you can't step to
3 them at all and that has to change.

4 And then, just lastly, one of the board members
5 talked about the need for speed. I guess that's
6 something, you know, attributed to you. The speed of
7 the investigations may -- you know, there may be some
8 differences, maybe especially with like Jose, like with
9 his case, if it was substantiated earlier maybe. But
10 that doesn't speak to the fact that community members
11 at all these meetings, and you know I've been at the
12 last few of them, are saying that you're just not --
13 you're not investigating it right. You're not
14 substantiating these cases. So even if you put them on
15 a fast track, you put them through a drive-through, you
16 know, whatever you can to make them faster, it's just
17 the quality of the investigations are not there. So
18 it's not about speed. It's about quality.

19 So I mean, these are just -- these are some of the
20 things. I hope you'll take up Mr. Cruz on his offer to
21 have you come to some of these meetings. Mr. LaSalle as
22 well. Because this is the only role that I see for you
23 guys. I know you guys talk about the City Charter, but
24 you guys have to advocate, at least, and scream from the
25 highest rooftops that the NYPD is out of control.

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1 That's it.

2 MR. EMERY: Thank you, sir.

3 You wanted to say something? Sure. Make it brief.
4 It's almost nine o'clock, and I think people are ready
5 for dinner.

6 MALE SPEAKER: O'Grady Plumbing Contractors.
7 O'Grady spelt O-apostrophe-G-R-A-D-Y, Plumbing,
8 P-L-U-M-B-I-N-G, Contractors, C-O-N-T-R-A-C-T-O-R-S,
9 Incorporated, I-N-C-O-R-P-O-R-A-T-E-D. They're here
10 I-N-C-O-R-P-O-R-A-T-E-D. They're here in this Zip
11 code, by the way, not very far from here, their
12 headquarters.

13 I will not ask that you understand this matter.
14 I will ask that you discern this matter. The very same
15 Negro adversary racially attacked my Caucasian plumbing
16 contractor, plumbing mechanics cutting sewer pipes in
17 Apartment 5. The Caucasian plumbing contract --
18 Caucasian plumbing mechanics ran like scared cats
19 or rabbits. They turned around and call police.
20 Turned around and call -- they called the police, a
21 Negro adversary. New York City Corporation Counsel
22 put it in a written summary. It is a federal offense
23 to apply for bankruptcy. Swear that you have notified
24 the residents when -- where you lie. Bankruptcy
25 reverses the charges which the adversary ingested by

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1 the luxury automobile he showed up with, manufacturer's
2 late edition automobiles, more than one.

3 The certain Negro African was forcibly removed
4 from property by Corporation Counsel. This is at
5 100 Church Street. I mean, you guys should know this.
6 You know what I'm talking about, I imagine, some of
7 are esquires. In Rem, is a Latin term used by
8 Corporation Counsel. It means contrary things --
9 contrary thing.

10 CHAIR EMERY: Thank you.

11 Any comments or anything more for this evening
12 or are we adjourned?

13 MR. GITNER: Can I say one thing? It will take
14 about a minute?

15 CHAIR EMERY: Yes, sure, Dan.

16 MR. GITNER: And this is only -- this is not in
17 response to what was said by some members of the
18 community. I'm not taking issue with anything that
19 was said. But I think it's important because there
20 were a few comments that were made it -- that
21 assumed that this agency was becoming mediation
22 focused, I think that was the word, and I just want
23 to say that, at least in my experience, in the last
24 three or four months since the board has changed
25 over by leadership and personnel, there has been

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1 far and away more focus on reforming, the quality,
2 type, and method of investigation in the last four
3 months than there had been in the year or so since
4 I've been on the board prior to that. All for the
5 better.

6 There has been a tremendous amount of effort by
7 the Chair and by the staff to reform and make
8 better the quality, the number, the type of
9 investigations so that our results are better. So I
10 think it's false to say that this agency is becoming
11 mediation focused.

12 Again, I'm not taking issue but I think it's
13 important enough to say because there are obviously a
14 lot of community leaders here who are very active in
15 this space, and I don't want there to be under the
16 misapprehension that there has not been a tremendous
17 focus, in fact, on investigation. So I think it's
18 important enough to say.

19 CHAIR EMERY: And there's one other thing that I
20 would say, and that is I agree with Ms. Jones who said
21 that these meetings involve a lot of policy and dense
22 discussions that is really boring to people whose
23 outrage has a basis in their own experience and in
24 their own observations of what goes on in various
25 communities.

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1 Let me just say we are not allowed by state law to
2 have the discussions that we have here except in
3 public. So we have to bore you with these dense
4 things if we're ever going to get anything done.

5 We cannot do it privately. And if any public
6 body like this does meet privately, it's violating
7 the law. So you don't have to come, you don't have
8 to listen, but we have to announce this publicly and we
9 have to do all of this in public. We can have private
10 discussions where we don't have a quorum, you know,
11 but we can't make any policy. We can't do anything
12 that's effective to change this agency except if it's
13 in front of you, it's announced in advance, it's
14 online, and it has a stenographer in front of it.
15 So, believe me, I don't want to bore you with all
16 this policy stuff. I have to.

17 O.K. Are we adjourned?

18 MR. EASON: Adjourned.

19 CHAIR EMERY: Thank you all.

20 MR. GITNER: Thank you.

21 (Whereupon, the meeting is adjourned.)

22 (Time noted: 9:05 p.m.)

23
24
25

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