

Civilian Complaint Review Board Meeting
February 11, 2015

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PUBLIC BOARD MEETING
OF THE CIVILIAN COMPLAINT REVIEW BOARD

Wednesday, February 11, 2015
6:35 p.m.
Jacob Riis Community Center
10-25 41st Avenue
Long Island City, New York

TRANSCRIPT OF PROCEEDINGS

RICHARD D. EMERY, ESQ., CHAIR
MINA Q. MALIK, ESQ., EXECUTIVE DIRECTOR

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

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BOARD MEMBERS PRESENT:
Richard D. Emery, Esq., Chair
Mina Q. Malik, Esq., Executive Director
Daniel M. Gitner, Esq.
Youngik Yoon, Esq.
Bishop Mitchell G. Taylor,
Janette Cortes-Gomez, Esq.
Lindsay Eason,
Joseph Puma,
Deborah L. Zoland, Esq.

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TESTIMONY GIVEN BY:

1. Mr. O'Grady
2. Rita Normandeau
3. April Simpson
4. Shannon Wainwrite-Jones
5. Dwayne Neckles
6. Candice Tolliver
7. Deborah Tharrington
8. Tatiana Gudin

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Mina Malik. Mina is a long time prosecutor in, first of all, Queens and most recently in Brooklyn. She helped Kenneth Thompson reorganize -- she was special counsel to Kenneth Thompson -- reorganizing that office, largely responsible for the very prominent wrongful conviction unit, and responsible for the -- really the new administration of Ken Thompson in Brooklyn.

At the Queens DA's office she was a trial attorney for many years trying cases of all the most serious cases of felonies and jury cases. And she has tremendous amounts of experience in the supervision of younger attorneys, as well as investigations and, of course, the prosecution of cases.

She was the main force and leader of the Special Victims Bureau, and I think as such she really captures just the kind of experience that we want and what we are lucky to get here at CCRB.

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She was, as I've said, the unanimous choice of the board. She also had a criminal -- public defender's credentials in Washington D.C. where she worked as an investigator which I think is apropos of the kind of knowledge and perspective you need here at the CCRB. She started two days ago. So we really do welcome her as brand new, and though she had been publicly announced sometime ago, she's now under fire here. She'll do a report tonight right after the public comments.

By the way, right after my report tonight, we're going to have whatever public comments we will have and take them out of order. Because we want to have the public comments a little earlier in the sequence of this meeting. Let me just say a couple of things from the Chair and then we'll go right to the public comments.

First of all, just before I do

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2 of the webcast and the members of the
3 audience here. The CCRB has now
4 committed itself to a much more
5 transparent and fluid process in which
6 cases are both investigated and
7 decided. I've talked about this in the
8 past. But the point I want to focus on
9 tonight is that when panels cite cases
10 now, the decision is then, when it is
11 final, from the panel it is
12 communicated either through the APU, if
13 it is a case of charges, or if it is a
14 case of lesser recommended discipline,
15 it is communicated to the Department
16 Advocate's Office.

17 What is happening now is rather
18 than just communicating it and saying
19 goodbye, and that's it, we are
20 soliciting from the Department
21 Advocate's Office at the NYPD their
22 comments on our proposed discipline and
23 the recommendations. And if they agree
24 with it, fine. If they disagree with
25 it, that also is probably going to be

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fine, and we're probably going to stick with our decision. But there are going to be cases where DAO, the department, has information that we never had. And that is going to be provided to us, or perspectives that they wish to argue to us would require either a more serious disciplinary recommendation, a less serious disciplinary recommendation, or even a finding that a substantiated case should not have been substantiated.

What we are doing now is, in writing, soliciting from the department their views of our recommendations and findings. And if they disagree with them, we are sending those written disagreements back to the panels for the panels to independently evaluate and determine whether they wish to change anything about the decision, as a reconsideration based on what DAO, or it could be a citizen, it could be a police officer, it could be anybody.

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What we're doing is opening up the process for a reconsideration of the initial finding if it is warranted. The panels obviously believe when they made their original decisions that they were right. And so it is going to take substantial amount of evidentiary showing or convincing in order for a panel to change its mind. But it is happening and it is a healthy process, and it is a process in which we make our investigations more thorough, and our findings have more integrity, and they take more into account. And I hope they will be more accurate and more reliable because of this process. I want everybody to understand that.

So when we first report what's in our monthly report, which Marcos Soler compiled so expertly and his team, and gives all the statistics that you can see in the report, it is in the back and it is here, that report is subject to change based on -- thank you,

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Marcos -- it is subject to change if there are actions taken by panels which reevaluate, based on reconsiderations, in cases that have gone through their system.

And my view is, that's a very healthy process. It is this 43-page report, which I believe is in the back of the room on the table. So just so you understand, these are, I wouldn't say they are preliminary numbers, they are final numbers, but they are subject to reconsiderations which will be reported on subsequently if there are changes. And as you can imagine, the changes will be pretty minimal, if there's changes at all.

In that regard, you may have seen in the New York Times today an article about seven choke hold substantiations in December and January, and I wanted to explain just very briefly what is going on with those cases.

Those cases were all cases prior

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to Eric Garner, they were -- the last of them was July 14th of last year. Most of them, five of them, were in 2013. Two of them were in the early part of 2014. And those panels that ruled on those cases sat in late December and early January. And, obviously, that was a big surprise to us to see so many choke hold substantiations, and worrisome, and problematic. And we're reporting those to the department. And we are working with the department to make sure that there is the right type of response to those choke hold cases, and the training and focus that goes along with such findings.

But I think an important point to understand about these findings is that prior to the choke hold report, which the CCRB published in late October, there was a view of choke holds which was rejected by that report, because the report documented that choke holds

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2 were not being properly evaluated by
3 the CCRB, or by the New York City
4 Police Department. And the decisions
5 in late December and January are, in
6 fact, a reflection of the choke hold
7 reports, analysis, and finding that
8 those cases were not being properly
9 handled in the past. And these panels
10 and these cases appear to be a proper
11 way to handle choke hold cases under
12 the rules of the City Police
13 Department.

14 And what I mean by that is, the
15 rule is that any action touching the
16 neck which may inhibit breathing is
17 considered a choke hold. That was not
18 so before the choke hold report came
19 out. So there has been a substantial
20 difference in the way the CCRB is now
21 handling choke hold cases than the way
22 it handled choke hold cases prior to
23 the report.

24 And I think probably it appears
25 that those seven cases in December and

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January are a direct result of our choke hold report and the, if you will, the proper interpretation of the patrol guide rule as it affects touching of the neck where breathing may be inhibited.

So we're working with the police department on these cases. There may be further discussion about these cases. The police department, I'm not sure, will agree with our view of the rule. But as long as their rule says what it says, that's the way the CCRB is going to interpret it as panels have in the last couple of months.

There are two quick issues that I was hoping that the board would discuss, just briefly. There has been -- I happen to find, maybe some of you have happened to find in the last sets of cases, a couple of remarkable cases where resisting arrest, obstruction of governmental administration, and disorderly conduct

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charges were the basis of taking people, complainants, into custody. And the initial reason for the police contact was spitting and/or jaywalking.

Now, I am troubled by this. And I just wondered how much of this has come up with other panels. Because it is technically the case that spitting and jaywalking are minor offenses. But it is also the case that most people -- I mean overwhelmingly people are not arrested, or taken into custody, or even confronted for jaywalking and spitting. And there's even some evidence that police officers are instructed not to interfere with people who are jaywalking or spitting.

And I don't know whether that's a systemwide policy or NYPD policy overall, but it happens to be -- certainly there is some evidence that officers have testified at the CCRB that they have been told by their superiors not to take people into

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2 custody for those minor offenses.

3 And I am troubled by the
4 escalation that inevitably occurs when
5 you confront somebody with these kind
6 of minor offenses that occur every day,
7 everywhere, on every block, in every
8 neighborhood of this City, and all of a
9 sudden somebody gets selected out for
10 this kind of minor offense.

11 And I just wondered from the
12 board, whether you've seen any of these
13 cases, I've had two of them in the last
14 couple of panels. And this is a
15 discussion we ought to have. We don't
16 have to make any decisions tonight, we
17 don't have to come up with a policy,
18 but I wonder if other people are
19 concerned as I am about this problem?

20 MR. EASON: I think we should be
21 concerned, but I believe the approach
22 to it has to be a collaborative one
23 with the police department, because it
24 is a legal -- it is a violation. There
25 should be concerns about how it is

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discussed and approached, because the police officer is making a decision. So I think if it is going to be approached and discussed, it has to come down through instructions from the police department as in the new training that Michael Julian is doing right now.

CHAIR EMERY: Any other thoughts, Deborah?

MS. ZOLAND: Well, I haven't obviously seen any cases against yet because there haven't been any cases yet. But my impression is, in addition to what Lindsay said, is that once the confrontation happens it is very difficult to -- each case is different. So that is the person, how the person reacts, if they did in some way commit a further crime, a police officer is allowed to inquire. And de-escalation of a confrontation I think the police department is working on. But I think that's the real issue, is that when

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there is a confrontation like this which the person is stopped, may feel there is no justification and the police officer, for whatever reason, they may have a different justification that maybe the complainant is unaware of. But it is really the confrontation situation that has to be looked at, and what caused the escalation. That's what I would be concerned with.

MR. EASON: If I can just say something else also. The tracking of these cases will be important also, because the courts sometimes, I don't know on what percentage, refused to prosecute these cases that originate with spitting on the sidewalk, I think it is health code violation, spitting on the sidewalk. So that would be something also that would be interesting to know how the courts are adjudicating these cases. I think most times they are dismissed.

BISHOP TAYLOR: It is

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unfortunate, but I think that if you were to look at where jaywalking and spitting was being enforced, you'd have to, you know, you'd have to -- it would raise an eyebrow because, obviously, most of those offenses are being enforced in low income neighborhoods, and neighborhoods where there is a high population of black and brown people that live there. And I think the training issue is important for de-escalation purposes. I think that when a person is approached for jaywalking, I mean, it is like, really, are you serious?

I mean, there's all kinds of extenuating circumstances that may contribute to a person jaywalking. For example, we've just had a couple of snowstorms and such. And some of the corners are filled with water. Even though the snow may be removed, the whole corner is just flooded with water. So people avoid the corner, and

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walk outside of the crosswalk. But I think that someone walking down the street with a suit or whatever in that situation would not, you know, be questioned. But if there is another person that's not wearing a suit, and not, you know, it becomes justification for the stop, because there was a legal infraction. I think that it really comes down to what I think the mayor has put forward, police-community engagement, and how officers use their discretion and not use it as a tool to harass.

So I think -- I'm one of those couple of those cases with you as well. When you see how far it escalates --

CHAIR EMERY: Yeah.

BISHOP TAYLOR: -- from such a frivolous encounter it is daunting. So I think that it does, it has to be a collaborative effort. Certainly conversation should be had. But it should really speak to how officers are

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de-escalation tactics that would be employed in the situation, that's something that I think we need to make sure that officers are prepared for that. And if there is an anticipation of reaction from the public on offenses that are, you know, not normally enforced.

CHAIR EMERY: Let me just say -- anybody else wants to say anything about this?

I think it is very interesting and I agree with everybody's view of this. I worry that where jaywalking and spitting are concerned that they're being used as not to control jaywalking and spitting. I worry that they are being used for other purposes to make contact with and confront people that are selected, because they happened to have jaywalked or spit. And that disturbs me. I'm not sure exactly what our jurisdiction is. And it is an interesting question, what role the

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environment in New York, if I were confronted about jaywalking, which I do every day, probably 25 times, I would question the sanity of the police officer who talked to me about it. And I can't imagine anybody else wouldn't also. If a police officer's sanity is questioned they often don't like it. And then it escalates.

And so I think there is an interesting problem here, and I don't know how much of it is our problem, and I don't know how much of it is the police department's problem. It is certainly the community's problem if it is happening. And so I just think we should be aware of it.

In that regard, want to say one last thing and we'll turn it over to public comments. And that is, I would like for the board at these meetings, which happen once a month, and in the course of that month, proceeding the meeting, almost all of the board

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2 members have read a lot of cases,
3 right? I would like to have a section
4 on our agenda as a general
5 proposition -- Mina, I suggest this to
6 you -- where board members bring up
7 cases that have -- not the specifics of
8 cases obviously, none of the details --
9 Dan Gitner, welcome.

10 MR. GITNER: Thank you.

11 CHAIR EMERY: -- where board
12 members have the opportunity on the
13 agenda to bring up policy issues of
14 cases that they've read in the last
15 month or over the last few months that
16 have concerned them, that have raised
17 issues about what the proper role is of
18 the CCRB, and attempting to deal with
19 police conduct which may be raised or
20 questioned as a result of the events in
21 these cases. Because I think the more
22 we bring to bear our panel activities
23 into the policy realm, the better off
24 and more effective the CCRB is going to
25 be.

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2 So I would just encourage you, as
3 a general proposition, as a matter of
4 an agenda item every month, to note
5 down the cases without giving any of
6 the specifics that raise policy issues
7 in your mind. And that we discuss it,
8 and see where, if anywhere, it should
9 go. Likewise, if it happens while
10 you're actually doing it. What I do
11 now I write an e-mail usually either to
12 the board, or to now the executive
13 director, or to the executive staff as
14 to these issues so we preserve them for
15 the next meeting and have a public
16 discussion about them, and we have an
17 internal discussion about what we
18 should be thinking about in the way of
19 analyzing these problems.

20 With that I wanted to turn out of
21 order from out of our usually order but
22 I think -- what's that noise?

23 VOICE: Elevator.

24 CHAIR EMERY: Oh, thanks.

25 I wanted to take out of order but

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I thought it would be good to have public comment now. And I want to limit public comment to three minutes, if you please, and we'll attempt to time you. But I want to get a -- there are six people who would like to say something, and I want to limit you to three minutes.

Let's start with Mr. O'Grady.
Mr. O'Grady, three minutes, please.

MR. O'GRADY: I have taken copy of the new administration. These documents were given to me by Police Command 501, one of your deputies, Mr. Regan, now retired, indicated that when this body separated from the police department the Police Department did not share their documents.

(Mr. O'Grady hands out documents.)

CHAIR EMERY: Thank you. Rita Normandeau.

MS. NORMANDEAU: R-I-T-A,
Normandeau, N-O-R-M-A-N-D-E-A-U. Good

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evening, my name is Rita Normandeau,
and I look at this brochure for how
people suppose to say different things
to the police. It is almost like
really make me laugh, because first of
all, yes, they were mad at Bill
de Blasio, Mayor Bill de Blasio to tell
his son to be aware and they must
misunderstood what he was saying.
Anybody who has a black or brown child
know these rules. But they still get
choke hold, nobody does anything about
it. These police officers who done
this to Eric Garner should be arrested
and put in jail, or go to a real trial,
not some hidden grand jury. That's all
I have to say for now.

CHAIR EMERY: Thank you very
much.

April Simpson.

MS. SIMPSON: Good afternoon and
good evening.

CHAIR EMERY: Good Evening.

MS. SIMPSON: I am April Simpson,

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community engagement with the police.
They need to do their part, and we need
to do our part as well.

My only thing is that we have one
precinct that is willing to work with
the community, and then we have another
precinct that come in here, the police
officers they really not even wanting
to get to know the community. They
come in here like gang busters, cowboys
riding on a horse, and the first thing
they want to do is arrest you. They're
not asking any questions.

And I just want to bring up this
incident and I'm going to leave.
Recently at my sister-in-laws funeral,
across the street from the church, her
two nephews were here. They flew in
town from North Carolina to attend
their aunt's funeral. They're young
men. They didn't know. They're
smoking a joint up the block. I'm from
the old school, I'm fifty- years old.
Marijuana will always be illegal to me.

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They had less than a joint on them. They were suppose to be given a ticket, a summons. They were taken in. And when we rushed over there to tell them, please, officer, they're here for their aunt's funeral, they're upset, they was clearly crying. They didn't listen to nothing we had to say. The approach, the reaction, the response, it wasn't good. Not to say that those young men were right, but this should be some type of allowance law, give them a ticket and say don't do it again or something. But they shouldn't have been taken in on their aunt's funeral, where they missed family and friends, for like five hours. They were taken to a precinct.

So it is about us community members, I'm a resident first. We're willing to work with the police but we want the police to work with us. And the other thing is there are other agencies involved in this housing

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development, like NYCHA. I saw in this package that you gave, the community outreach. We need everybody to put a hand in to raise the village. That's not being done. And I think that we need to get back to that. Thank you.

CHAIR EMERY: Thank you.

Shannon Jones.

MS. WAINWRIGHT-JONES: Good evening, everyone. My name is Shannon Jones and this evening I represent Bronxites for NYPD Accountability. This is the third time I've been before the board. So very quickly as to not use up all my time, I would like to thank the board. Actually I would like to thank Ms. Simpson for earlier today for approving my group request to join the group in efforts to notify the community that this meeting was taking place this evening, because I was certain that the community at large over here didn't know about it.

But at any rate, I'm going to get

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down to business, since we are under time constraints. First, my pet project here is statistics. Once again, I notice that the statistics that were available were only put on the website this afternoon. This is the second month in a row that I raised this issue, and the agency needs to do much better in order to properly provide the statistical information in order for the community to look at it and review, contextualize it in order to address the board appropriately. So I regret having to look at the information on my train ride here, but because I look at it so frequently, it was familiar. I understood some additional graphs and charts that were added, but the specific mediation data was missing. And also the substantiated reports by precinct.

What I also noticed for the third month in a row that the command data is also missing. We need to see the

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civilian complaint information by
command on time. That is unacceptable.
You guys got to do better. I see a lot
of letters after these names here. I
got a couple of letters. We got to do
better with that, all right?

Then please excuse me if this
question was already asked and answered
either at a previous meeting or prior
to my arrival. But are APU trial cases
open to the public?

CHAIR EMERY: Yes.

MS. WAINWRIGHT-JONES: Thank you
for that. Okay, now my third issue,
which is the outreach calendar, thank
you for providing that information. It
is very good to see that the CCRB is
making an attempt to outreach and move
around the city in different places of
relevance. So that brings me to, did
you guys actually make it to the 41 on
January 9th? 41 Precinct?

VOICE: Yes, we did.

MS. WAINWRIGHT-JONES: Thank you

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for that.

I notice that you guys have on calendar for February the 46th Precinct which is the 17th, the 52 which is on the 26th.

Now at the 41 Precinct in November the community members were made to sit through and participate in a deadly use of force training video. And ironically that wasn't shortly before the death of Akai Gurly, which I took exception to while watching the video.

Hopefully, the CCRB will ask questions about that, because I felt that that was inappropriate and traumatizing to some members of the community, and hopefully that no other precinct community council president would adopt such a practice.

Also at the 52 Precinct in September, as well as October, the Deputy Inspector Hoffman refused to supply the community upon request the

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CCRB statistics for her precinct. But you guys certainly provided it in your minutes and notes for the October meeting. So my question for the board is: What is your positioning on precinct commanders or captains or deputy inspectors or XOs, for that matter, providing civilian complaint review data at every precinct community counsel meeting without prompting?

CHAIR EMERY: We haven't addressed that, but it is a very interesting question. And it is certainly something that we should address to the police department, because I don't think any precinct commander is mandated to do it. But it is certainly something that maybe we can get done.

As you know, we have the maps by precinct and by commands, and we're trying to keep those updated, so that you can see the allegation charts by geographic area throughout the City, as

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well as in the reports. We're going to endeavor to get you the statistics before the day, before the day of the meeting.

MS. WAINWRIGHT-JONES: Thank you.

My response to that is, just for the record, the precinct commander that was readily available and willing to supply that information on request in September, and then without prompting in October was commissioner -- excuse me, Inspector Russell Green of the 43rd Precinct.

Other precincts, I personally and as well on behalf of my group, have been met with hostility at that request. And this is what has been spoken about previously. The relationship between the police and the community. The community has a right to request information that is related to public safety and precinct community council meetings. We do not need to be met with hostility. The police conduct

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themselves as if it is their house.

The precinct community council boards, where they exist, because there are several precincts that do not have a full functioning board present every month, which is a procedural issue that I have raised ongoing for the past five months. But what they do is serve as gatekeepers to the police, and not act as a conduit between the police and the community as it states and the council guidelines, which is very regrettable. This has gone in my direct observation, for five months.

And hopefully when you guys come out specifically to these precincts, you will be in observance and hopefully these council boards will not put on a dog and pony show for your presence. Because I will be able to cite which boards are functioning without full memberships, and serve as gatekeepers for the inspectors, and that are hostile to the community for which I

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have on audio and videotape.

Next issue, I do believe that those hostilities that are conducted in that format actually are a discourtesy and abuse of authority. You should be able to walk into the precinct, address your commander in a public forum with respect and be treated with respect in return, and I believe that is not happening, okay?

Speaking of the choke holds, the community is concerned. Apparently it is still going on. Having the opportunity to review your statistical data information that you provide, it seems that the 47th Precinct, which actually has a council meeting tonight, for which Bronxites NYPD Accountability is being represented, has a substantiated choke hold for the month of December. So something is going wrong where these incidents are still takes place. There was also a choke hold substantiated for the Transit

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information, line of information for the police department within police community council meetings are met with hostility.

MR. GITNER: I understood that. I mean the specifics of the video that was shown. I'm not sure I follow exactly what you were saying.

MS. WAINWRIGHT-JONES: Oh, what I was saying was that if that needs to be shown, anyone has that request we can provide it. I can show you the hostility that I have met while attending --

MR. EASON: No, I think he's referring to the one where you said you were personally offended.

CHAIR EMERY: By use of force.

MS. WAINWRIGHT-JONES: Yes, I apologize to that.

MR. GITNER: Don't apologize.

MS. WAINWRIGHT-JONES: The 41 Precinct which covers the Hunts Point Area had some training folks from this

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2 NYPD come do a presentation on the use
3 of deadly force. Okay? We have
4 pictorials of that training. And what
5 took place was it is actually used in
6 police training, where you're watching
7 and participating in video simulations
8 of scenarios where you may have to use
9 deadly force.

10 So the members of the community
11 were made to wear the equipment, face
12 the screen, enter a simulated scenario
13 of, okay, I'm coming into a home.
14 There is a big argument. What do you
15 do? They stop the screen, you decide
16 what you want to do. You simulate like
17 you're shooting, bang, bang, bang,
18 bang, bang, bang, bang. And then they
19 direct you on how to appropriately
20 conduct yourself in that situation.
21 That was disgusting.

22 A member of the community was
23 actually crying in the dark while
24 viewing that video. There were others
25 in the video that thought it was great.

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But those are the same people that are the gatekeepers of the police. When I expressed my exception to showing something like that to the community -- it is not my place to understand a simulated training video on when the NYPD should be using deadly force. So whose ever idea that was, which I believe it was a Community Council President Raphael Salamanca thought it was an excellent idea to bring that type of training to the community, he needs to get a clue. Because it was graphic, it was disturbing, and it showed no value to the police. Because at that point, I looked up the statistical data and actually fire arm discharge, actually account for the "n"th interactions that the community has with the police, as opposed to showing the community de-escalation tactics, where they're moving to build community relations. But that's the problem in these police precinct

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meetings. They spend anywhere from an hour to an hour and 45 minutes pre-set heavy content. We're invited to engage in prayer, candlelight vigils during the precinct community meeting, we're invited to bow our heads in silence.

Last month at the 46th Precinct meeting we were told by the XO to bow our heads in silence for an officer that was fallen 17 years ago. Like the gentleman said, really? So these are preset heavy meetings made to pander to a certain finite group of folks that get the opportunity to report through Commissioner Bratton that the community wants more police. They do no outreach, they do no separate informing of the community that these meetings take place, and often times they are not functioning with a full board. So they are in there doing whatever they want. Thank you for that.

CHAIR EMERY: Thank you.

MS. WAINWRIGHT-JONES: Was that

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2 clear to you, sir?

3 MR. GITNER: Yes, very clear.

4 Very helpful.

5 CHAIR EMERY: MS.

6 WAINWRIGHT-JONES.

7 MS. WAINWRIGHT-JONES:

8 MR. NECKLES: Dwayne Neckels.

9 D-W-A-Y-N-E, N-E-C-K-L-E-S.

10 Hey everybody, good night. My
11 first CCRB meeting so I just want to
12 say this is cool.

13 CHAIR EMERY: Welcome. I just
14 want to say thanks.

15 BISHOP TAYLOR: Raise the mic up.

16 MR. NECKLES: Just a couple quick
17 things. I got three minutes. So I
18 might ask like a lot of questions that
19 might be obvious or whatnot. So for
20 what I understand you guys provide
21 recommendations, and the department can
22 choose to listen, I guess, or not
23 listen. Now my question is, people
24 brought up choke holds, and I think you
25 brought up working with the police -- I

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mean, the police and community need to work together. But it seems as if, you know, like with the Eric Garner situation, all of the -- I guess, the PBA or all of the cops they stood together and they said, okay, the cop did nothing wrong. So it seems like it is a culture which is something I know you guys really can't address. You guys are more policies and whatnot. But it seems like there is a culture there where that's kind of the issue. So I was going to say that what do you guys -- like if you guys talked about expanding your power, what ways can you guys do that to kind of like, you know, you know, address some of the things that are not being -- not being met because these police officers don't feel like they need to do anything, they come in there like gangsters, like they said.

I understand you guys you put forth things but, you know, they're not

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really listening, they don't feel like they need to. I was wondering, someone mentioned teeth. What -- and I think you guys are like, I'm not sure, maybe appointed by the mayor. Is there more that you guys can do? How would that look? What steps do you need to take to increase the actions?

CHAIR EMERY: Let, me just say that we are an agency that was created by the City Council out of a historical problem with the New York City Police Department disciplining its own officers without any outside oversight, just from the inside.

And what we provide with the teeth, the teeth that we have, is requiring police officers to explain their conduct when people complain about that conduct. And that's real teeth. Police officers -- no one, it's not just police officers, no one likes to explain him or herself.

MR. NECKLES: Agreed.

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has to be where the authority is.

MR. NECKLES: It makes sense.

CHAIR EMERY: So that's the role we play. I wouldn't say this, I mean, some people would love to have us play a bigger role than that which has been given to us. We view our role as extremely important, but we also view our role as being limited by the authority which we are provided with. So that is a constant frustration for the public and the community, because they would like us to solve all the problems that exist between civilians and police officers. And we're just not in a position to do that. What we are in a position to do is have an independent voice about discipline.

MR. NECKLES: Who limits the authority? Like who's limiting, where does that come from?

CHAIR EMERY: It comes from the City Council. There is specific legislation which gives us certain

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powers and limits us in many powers.

MR. NECKLES: The teeth, who comes up with the things like you said, you let the cops speak for themselves? So, okay, they did that, you know. But, let's say, we can do more than that. Is that also limited by what the City Council says? People have other ideas to hold people accountable. Can we add more to that?

CHAIR EMERY: That's an interesting question for potential legislation.

MR. NECKLES: That's good to know.

CHAIR EMERY: Our role is pretty well defined with respect to taking complaints, investigating the complaints, confronting the cops who are complained against, the police officers who are complained against, with those complaints, and seeing whether their explanation holds water or not. And whether the video and the

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contemporaneous documents and the witnesses and the various police records support the officer's conduct or contradict the officer's conduct. And then we try and make a finding based on the evidence and then make a recommendation based on that finding.

MR. NECKLES: Thank you.

MS. CORTES-GOMEZ: I wanted to make just a minor correction. You indicated we're all mayoral designees. We're not. When the board is full there are 13 of us; five are mayoral, five City Council, and three former police department. I just wanted to make sure.

MR. NECKLES: I appreciate that. That's good. Thanks.

CHAIR EMERY: The last speaker is Candice Tolliver.

MS. TOLLIVER: C-A-N-D-I-C-E,
T-O-L-L-I-V-E-R.

Good evening, I'm Candice Tolliver. Oh, now this is too tall.

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So thank you all for being closer to where I live. So me and Chris switched off since this is close to where I live.

And first I just want to say that I appreciate the idea of having the public comment section earlier in the meeting. But I actually think it is actually not helping. A lot of our comments and some of our thoughts come from the ED report, the new business, the old business, the committee reports. And so doing this so early doesn't allows us to weigh in on those things that you discuss later on. And then we sort of have to mull over them for a month and maybe decisions are made in between this meeting and next meeting, never really allow for public comment because we can't do it later on unless you're saying that we can comment now and comment later. I don't think that's what you're saying.

So I do want to say that on one

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2 fresh in their minds and while they
3 still wanted to stay so that they could
4 leave, just as you said.

5 If you or Chris have something
6 specific at the end of the meeting, you
7 just raise your hands and we'll listen
8 to it.

9 MS. TOLLIVER: Thank you for the
10 accomodation for the New York Civil
11 Liberties Union. But at the same time
12 as you see with even some of the
13 comments made here tonight, because
14 you're out in the community and places
15 that you haven't been before, people
16 don't really understand the process and
17 actually going through the meeting and
18 hearing more about what you are, what
19 you do, and how it is affecting them
20 will probably generate more new
21 questions that they would have had.

22 CHAIR EMERY: We just can't do
23 anything right.

24 MS. TOLLIVER: I didn't say that.
25 Don't start, and I'm telling Chris.

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CHAIR EMERY: You tell him I said that.

MS. TOLLIVER: I will. The other thing I wanted to talk about is sort of the CCRB's ability to get out ahead of policies and practices of the NYPD that you receiving complaints about. So when you started to talk about earlier as sort of enforcement of low level violations and infractions, that really rang to me. For example, we followed sort of the stop and frisk practice for a really long time and you all were reporting over and over again, a majority of your report complaints, were coming as a result of a stop. And for years you were sort of putting out those numbers in your annual report. We were watching it, but it was never that larger conversation with the NYPD or with the public to say that 50 percent of your complaints were as a result of stop and frisk. That is major -- that is major information that

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the community should know about that can form policies and practices of the NYPD and I don't think you all should shy away from that.

So if there are complaints that you are getting about low level violations, and I'll just tell you some of the data that we receive so far, over the course of that ten years where they were five million stops of New Yorkers, there were 6 million summonses given out. That data is not readily available to the community, but we were able to access that data. And the numbers mirror stop and frisk. 90 percent of people, or close 87 percent of people who are getting summonses are Black and Latino.

A large portion of those are getting thrown out, a large portion of those people are not showing and there are bench warrants out for their arrest. And this has a significant impact on New Yorkers. And if those

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are complaints that you are all getting as a result of sort of this low level enforcement which as we see through Eric Garner can result to death. Right? It is really important that if those are the complaints that you are getting, you are making the connection to the larger policy and saying shows things early because you're sort of the hub where a lot of those complaints come in. And if you're saying that early and getting out in front of sort of the policy, and saying we know that this is real and what different community members are saying, because we're getting this number of complaints about it every time, that will be really helpful.

CHAIR EMERY: Let me just say one quick thing about that.

MS. TOLLIVER: Sure.

CHAIR EMERY: I think you're absolutely right that in the past the CCRB has not been as attuned to the

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patterns or complaints and problems as it is now. I think the choke hold report is a breakthrough report that shows that we're committed to that and we are -- our policy department is expanding dramatically, as you'll hear in a minute.

And we are committed to using, as I've called it, the treasure trove of information that we have with the interactions between civilians and police officers to do exactly what you're saying. It hasn't been done in the past. The one thing I would say is, that this agency, unlike anyone else, other than Judge Scheindlin and the Center For Constitutional Rights and the NYCLU and the housing case stood up for the rights of people who are improperly stopped and frisked. It is the reason this agency was marginalized. It is the reason this agency got no respect from the police department before Bill Bratton took

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over. It is the reason that the agency was, in some sense, put in a position where -- as I called it, was the stepchild of the whole disciplinary process. And, I mean, Cinderella would have been jealous of this agency it would have -- actually, we would have been jealous of Cinderella, I should say.

So the point here is that I think that's really changing, and I think you're going to see a lot of stuff that documents a lot what's going on in this City between civilians and police officers.

MS. TOLLIVER: That's exactly what we would welcome that. I think the last comment I would have is not new to you all. We said it at a meeting a couple of months back and then we sent a letter to you all, especially the board members, around this issue. But around the issue of the Department Advocate's Office, being

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able to review substantiated cases and being able to look back on those cases and say -- have CCRB re-review those cases. We are very opposed to that. We think that's really a bad move for the CCRB.

I understand that it is important for you all to be taken seriously by the NYPD. 100 percent we get it, we understand. But at the same time, it is important for communities to have confidence that you are representing them. And at the end of the day, if you are substantiating a case, which you don't do that often, there was a reason why you did that. And for you to allow the department to make you reinvestigate that case that you substantiated after it's gone through committees and gone through your investigators to say, maybe we didn't get this right and we're going to allow you to question us in that way, community confidence that you are

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2 representing us and you're representing
3 our complaints, and you're taking them
4 serious is going to diminish. And I
5 think that the more that we feel
6 that -- and I get that there needs to
7 be more -- or a relationship, a better
8 relationship between the CCRB and NYPD.
9 And I get that a lot of the steps that
10 we've been taking -- I misspoke.
11 You've been taking. I take that back.
12 I'm not "we". You all have been taking
13 to build those bridges with the NYPD
14 are important. But at the same time
15 when you're building bridges with them
16 we don't want you to burn bridges with
17 the with community. And the more that
18 we feel those bridges that you're
19 creating with the NYPD are burning
20 bridges with us where we are
21 distrusting and you're representing us
22 in those cases and really taking our
23 complaints seriously, the less
24 confident people will be to even bring
25 these many complaints to you all in the

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2 first place.

3 CHAIR EMERY: I must say that I
4 understand your point. I strongly
5 disagree with it. I think the impetus
6 behind listening to DAO, which is the
7 Department Advocate's Office after a
8 case is decided here is for the
9 integrity of the case. It is not
10 anything else. And it is not only DAO,
11 we'll look at cases that complainants
12 want to have reconsidered, that police
13 officers want to have reconsidered,
14 that a witness wants to have
15 reconsidered. If there is information
16 which mandates a different view, we
17 should not be ignoring it.

18 But you can also count on the
19 fact, and I think it will be
20 demonstrated in the statistics, it will
21 be demonstrated in the whole process as
22 it develops, that the panels have a lot
23 invested in their original decisions,
24 and they're not going to change their
25 minds just willy-nilly. I think the

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2 changes that occur will probably be in
3 the sanctions. But very few changes,
4 in my view, so unlikely there will be
5 very many changes from sub to unsub.

6 So I think we just have to see
7 this. It is a work in progress, I give
8 you that. But the integrity of this
9 agency is in the quality of the
10 decisionmaking. And the quality of the
11 decisionmaking, in my view at least, is
12 enhanced dramatically by getting all
13 the information that we can before a
14 decision is final. And that is
15 enhanced by this process.

16 MS. TOLLIVER: I hear that. And
17 I guess we have to agree to disagree.
18 Because as sort of a police reform
19 advocate and doing this work in New
20 York City for almost five years now --

21 CHAIR EMERY: I've got about 35
22 years on you.

23 MS. TOLLIVER: I'm sure, I'm not
24 debating that. Part of sort of an
25 organizing tool has been to say that

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these are substantiated cases by the CCRB which they don't take lightly. You guys are not substantiating every case left and right, right? It is very few. So when we can go and say these are substantiated by the CCRB, and people take that seriously, and we're saying now this NYPD is not taking that seriously, we have an organizing tool against the NYPD to say, why aren't you taking these seriously, because the CCRB really does an investigation, they do a serious investigation, they standby their investigation. And so you need to explain yourself. If you guys start questioning that now, we don't have anything to go after. There is no sort of tool for us to use to say, why isn't the NYPD taking your substantiated case and your recommendations to discipline seriously?

MR. GITNER: The underlying assumption in your question and your

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comment is simply because the DAO may ask us to rethink an issue, somehow we're going to cave or change our minds, simply to make them happy. I have to tell you, nobody on this board is a pushover. Nobody is going to cave simply to make the police department happy. Nobody joined this board to make the police department happy. Nobody is sitting here on T.V. so when the police department sees this outside they are going to come up to us and shake our hand. That's not the case.

The case is that this process that Richard frankly, I think, very smartly pushed and made happen, actual makes us get taken more seriously by the police department, and should be an organizing tool, to use your term, to show that the police department takes us more seriously. In fact, when they see our decision, they have the opportunity to say, hey, can you rethink this? And we either will or we

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2 won't. It will be our decision because
3 we believe in the decision.

4 MS. TOLLIVER: Okay. I hear
5 that. I'm not questioning you all. I
6 don't think that you're here to make
7 the police department happy. But I
8 will say, the more that you all cave on
9 things like that to even reopen a case,
10 the less confidence the community has
11 that you're going to represent their
12 wishes and needs in your role. I think
13 there is not a lot of community
14 confidence in the CCRB right now. And
15 I know you're all rebuilding that by
16 having these community forums, and
17 doing outreach, but those are things
18 that the community looks at and says,
19 this is why I don't want to bring my
20 case there, this is why I don't want to
21 make a compliant.

22 CHAIR EMERY: One more point. As
23 I said, it is a work in progress. As
24 one more point about this. That is,
25 you may be right in that one sense, but

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where there are changes that are mitigated. But the reality is, if we send a case over there and they send it back because they said something, and we stick with our opinion, they have a much harder time duping it or diluting the result than they do if we don't. And I think that will enhance community confidence when we have a concordance with their discipline and our recommendations.

We know it has been up to 40 percent, it is in the 20s, it has been in the 20s very recently. What we're trying to do here is get real discipline as a result of CCRB recommendations in order to get community confidence that's down in maybe the 5 percent range. I'm aiming for 5 percent. I don't know if we can do this. But my fondest hope is that the community knows that when the CCRB subs a case and makes a recommendation the police department is going to

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and I'm going to tell you, because of my position here, if it wasn't for Bishop Taylor I wouldn't have known. Okay? And this is the honest to God's truth. I think that you need some help from community leaders like me that -- like the next time you're here or anywhere, there needs to be some type of flyer or something generated. I have a team of 20 volunteers that will come and plaster a flyer on every 96 buildings. Because at the last moment, knowing that you're here now, this place should have been filled with Queensbridge residents. And they are not here, because you know what? When I did a quick survey, people feel like this young lady said, oh, they're with the police. What are they going to do?

CHAIR EMERY: That's a problem.

MS. SIMPSON: I know you guys want to change that and I'm just offering some help. And thank you again for coming. I'm a resident

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before I'm a TA president. And really, CCRB wasn't really like prevalent on my radar until it was Bishop Taylor who told me, "April, you need to come because there's some important information you need to know." So I thank you and I appreciate you being here. But I think you really need to get the word out more on what you're trying to do.

CHAIR EMERY: We'll do a better job. Thank you.

VOICE: I'm really sorry because when I was asked if I wanted to speak I had no idea what was going on. And I did not realize that. I do have a couple of questions. So if you would allow me.

CHAIR EMERY: Yes, no problem. Come on up.

MS. THARRINGTON: Deborah,
D-E-B-O-R-A-H, T-H-A-R-R-I-N-G-T-O-N.

I'm looking in this pamphlet and I do not see anywhere where it states

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that how long it will take to get a response from the CCRB. This is very important to me, because about seven years ago -- I live in Woodside Houses. And about, anywhere in the last five to ten years, the police officers were all over Woodside, Queensbridge, Ravenswood and Astoria stopping people, definitely over doing the stop and frisk. My son could not go to the store without being stopped and frisked.

And I had one instance where I went into the 114th Precinct and I approached the lieutenant. And it turned out that it was Narcotics from Jamaica. So a lot of the people in the precinct had no idea who I was looking for. What car I was looking for, because it was a blue Durango, and they kept telling me they didn't have a blue Durango. Finally somebody realized that it was this particular lieutenant. I spoke to him, and my husband was

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2 there, and my children. And as soon as
3 I asked why he treated my son the way
4 he did, the whole body language
5 changed. He came out, he told me how
6 polite my son had been, how cooperative
7 my son had been. And when I asked why
8 he treated them like that, I got a
9 totally different response. When I
10 asked the badge number he flipped it
11 around.

12 Make a long story short, I filed
13 a CCRB complaint form at the precinct.
14 About three months later I got a phone
15 call from that lieutenant's superior,
16 out in Jamaica somewhere. So I have
17 two questions: One is, by that time, I
18 didn't remember all the details to go
19 and file another complaint. But that
20 complaint never got to you guys. And I
21 had no idea how long it should have
22 been before I would have heard from you
23 guys to then double-check to find out
24 what was going on with my complaint.

25 And secondly -- I lost the

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our attention, and we have established that there was failure to take the complaint.

Similarly a police officer is obligated under the patrol guide to reveal his or her name and his or her badge number. So when that type of thing occurs that is a complaint that should be taken and processed.

Now we're seeking to have results of most investigations. A lion share of investigations completed within three and four months. In the past it has taken well over a year. So we're working very hard to bring this to the place where community members will remember the stories, police officers will remember the stories, the documents are gotten and verification and witnesses are interviewed very quickly. And we're working hard to make these investigations have a high level of integrity. And delay is the enemy of integrity with investigation.

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2 So we understand your point, and
3 this is something we're focused on like
4 a laser.

5 MS. TOLLIVER: Okay. Is it
6 possible to somewhere add minimum
7 30 days? Within 60 days?

8 CHAIR EMERY: When we get to that
9 point.

10 MS. TOLLIVER: So someone is not
11 sitting around or getting duped like I
12 did.

13 CHAIR EMERY: We also have on our
14 website capacity to look up where your
15 complaint is. Once you file your
16 complaint you have a look-up function
17 there to see what's happening with your
18 complaint. And, if necessary, you can
19 always call the investigator, because
20 eight days in you should have had, or
21 thereabouts, you should have had
22 contact with an investigator.

23 MS. TOLLIVER: Okay. My point is
24 if I had known that I would have
25 contacted someone.

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2 CHAIR EMERY: Yes.

3 MS. TOLLIVER: All right. Is
4 there any way that you can insure that
5 these police precincts -- I tell
6 people, honestly, don't take it to the
7 precinct. And I should not have to
8 tell them that, but I will. I tell
9 them do not take it to the precinct.
10 Call in 311, because you can't rely on
11 them to turn it in.

12 CHAIR EMERY: I think that the
13 wise way is to call 311 or go on the
14 web and file a complaint. You can send
15 it by mail as well. But people are --
16 the precincts are suppose to take the
17 complaints, but there is nothing we can
18 do. We're not in every precinct to
19 force that to happen, although, if it
20 happens we find out about it, it is a
21 violation.

22 MS. TOLLIVER: Okay. Thank you
23 very much. And thank you for letting
24 me speak.

25 CHAIR EMERY: Thank you very

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because we get them from IAB as well.

MS. MALIK: First of all, ladies and gentlemen, I want to thank you all for being here tonight on this cold winter evening. It means very much to me. I'm very excited and honored to be here, particularly for this first public meeting in my home county of Queens. So I thank you all for that.

And I also want to recognize the wonderful words that the Chairman of the Board, Mr. Richard Emery, and Bishop Taylor said earlier tonight. And I want to thank the entire board that's sitting here today, and the ones that are not here, for the extraordinary opportunity and tremendous privilege and the immense honor that has been bestowed upon me upon choosing me as their executive director of this agency.

Needless to say, the events of Ferguson; Beavercreek, Ohio; Cleveland, Ohio; Brooklyn, Staten Island have all

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come to the forefront and have magnified exponentially the rift in police and community relations. So much so that Mayor de Blasio has commented on it, Attorney General Eric Holder has commented on it, and even the President of United States has commented on it. The work that this agency does is central to all of those issues that have now been brought back to the forefront of our society. And the trust is the foundation for building better relationships between the police and the community and the members of the communities of color.

The foundation of that trust, I think, is that no person is above the law. Right? Cases need to be adjudicated fairly and that justice must be swift in all cases. And whatever that justice is -- whether it is in favor of a civilian who is complaining about a police officer, or in favor of a police officer who

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committed no wrongdoing -- that justice must be fair and swift from both sides.

So the challenge that I've taken on by taking the reigns of this agency is a big one, and it requires a big commitment. And I want to let you know, all know, that as the executive director of this agency, that I'm committed to that challenge and I'm committed to seeing the success and the excellence of this agency going forward.

And I look forward to working with my colleagues. And I just want to introduce some of the members here from my executive staff who I've started to work with. Marcos Soler, who is Deputy Executive Director For Policy and Strategic Initiative. Marcos would you stand up?

And Brian Connell who is Deputy Executive Director For Administration. And Jonathan Darche, who is the Deputy Executive Director For the

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Administration Prosecution Unit.

I want you to know that not only are the three of them here, but there are also other members of my staff that I see sitting in the back and I thank you all for coming out here to Queens tonight for this meeting.

So let me talk about some of the success that this agency has had thus far. I want to highlight a few and not bore you with a lot of statistics that you can lookup on the website in the statistical report. But I want to highlight some significant reductions that this agency has encountered.

At the end of January 2015 the number of open cases that we had was 1767, and that was a significant reduction from January of 2014, almost a year ago, and the 2699 cases that were pending at the end of January 2014. That reduction is very visible in the open dockets of the investigation's division which make up

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a majority of the agency. It has about 110 investigators. And that division, the number of cases went from 1858 cases to 961 active cases, which reflects a 48 percent decrease. And with that decrease you can see that the agency is becoming even more effective and more efficient as an organization.

The second significant reduction that I want to point out from our statistics is the number of days that it takes to investigate a substantiated complaint. It went from 418 days in January 2014 to 358 days in July of 2014, and right now we are down to 274 days in January 2015. And that reflects a decrease of 35 percent in just one year. So the preliminary data that I just talked about demonstrates that the new pod system that has been implemented for our investigations division shows that it is actually more effective than the former team system. The number of days that it takes to

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interview a complainant who files a complaint has decreased from 31 days in January of 2014 to 11 days in January of 2015.

And in January 2015, I'm very proud and happy to say that 75 percent of complainant interviews were conducted in less than two weeks, approximately -- well, a little bit over two weeks, 15 days.

The other positive news is regarding the budget and operations. On February 9th, 2015, earlier this week, the mayor released the February 2015 financial plan for fiscal year 2015 to 2019. And that financial plan reflects an increase of \$1,169,000 in our agency's fiscal year 2016 budget. That's an increase from the baseline of \$13,360,000 that was set in the November plan. And, therefore, for our fiscal year 2016, the preliminary budget is \$14,529,000 which reflects an increase of 9 percent.

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Although our requested salary increases for some of our staff was not met, it is my understanding that we can re-present and revisit that issue in the coming months. But our head count increased by 11, from 167 full-time employees to 178 full-time employees. And this budget reflects funding of additional staff for very specifically three new initiatives. The first one being the expansion of the Community Outreach Program, which is going from two employees to a total of eight employees. And this is very important, because, as someone talked about earlier, we need more community outreach.

So we need outreach presentations, we need to have the agency have a larger presence in the community, and we also need additional staff. This additional staff will be trained to receive complaints in the community, conduct interviews, and take

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witness statements.

So in addressing the community outreach we definitely will have extra funding for that.

The second initiative is an established dedicated training unit which, again, as I said earlier, the investigation division makes up a large part of the agency. It is an integral part of our plan to restructure the investigations division, which includes providing investigators with ongoing and enhanced training. Because with ongoing and enhanced training you get better results in the investigations. So part of that, what I plan to do, is having training further enhanced by key speakers. And I've already lined them up from Washington D.C. and Boston, who have extensive backgrounds in investigations. And again the training that these investigators will undergo with this extra funding is a key pillar of our efforts to bring efficiency and

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uniformity to our investigative process in order to achieve better results in our investigations across the board.

And finally, the third initiative is increased staffing for our policy unit. So our policy unit has identified several important projects and studies and plans, approximately ten of them, to expand our public reporting, including our complaint activity mapping tool, which maps complaints all throughout the five boroughs in specific locations, not just by precinct, but actually where the incidents take place on the street. So that is the third initiative. And that remains to be the budget as of this time.

The last thing that I would like to address is the departure of our Deputy Executive Director for Investigations Mr. Dennis McCormick. And I understand that he could not be here tonight. But I worked with him

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for two days and I want to thank him for his 18 years at the Civilian Complaint Review Board. I understand from my fellow colleagues that he has been instrumental in the Investigations Division, and he's relocating out west, and I want to wish him the best of luck.

CHAIR EMERY: Great. A couple of more things and I think we're concluded. First of all, committee reports. Janette, did you have a report that you wanted to make, any committee reports that we want to have.

MS. CORTES-GOMEZ: With respect to mediation I do not have any updates in terms of this month.

With respect to the training subcommittee we have been extremely busy. We have had two or three meetings since our last public meeting. We have discussed the possible changes, and now they seem like actual changes with respect to increased staff for our

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training. We are working with NYPD's training, so that we can have our investigators trained. At this time we have, I believe, a training Friday. We also are looking into the criminal investigation course, the homicide course, and the special victims course so that we can send some of our staff to those trainings and see exactly how the NYPD is being trained. What are they being trained to look at? What are they being trained to do? So that we have a better understanding of, okay, this is what they're trained in, how they're trained, and this is how we can facilitate making sure that it is correct, or making sure that the public knows, and how we can deal on the investigative side with those cases.

I believe the only other thing is that we are still working on -- I don't want to say retraining. We have already a training course. But in addition to that, we are looking into

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what we're calling a nuts and bolts, so we are hoping to have that begin and be implemented into our investigators in March.

CHAIR EMERY: Mr. Taylor.

BISHOP TAYLOR: For the Outreach Committee I want to say, first of all, that we are all overjoyed that the mayor has increased our budget for the agency, and it includes additional staff, much needed additional stuff for Outreach. Since being the chair of the Outreach Committee we've been pushing for these kinds of meetings in the boroughs and the communities that we serve the most. And we've engaged the agency, really I guess, from a volunteer basis, where people that work in specific jobs take their own personal time to assist and aid us in doing the outreach that we've been doing.

And when you look at the effort of our Outreach Committee we are just

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two paid staff members, and everyone else is just really kind of chipping in and help us accomplish these goals. It is very impressive, it is very impressive. And I have to congratulate and acknowledge Carlmais, and I think it is Jessica, and Brian for all of the work that they are doing. Just for instance, the Outreach Unit has continued to conduct presentations throughout the City. And in January we held 21 presentations. And for February we have 26 presentations. Now there's only 28 days in February. So that means that they're doing double time, double presentations sometimes in the same day. And so we're very active in the community, and I certainly echo the sentiments of our TA president there who talked about more flyering, more advanced notification to community partners, so that they know that we are in the community and in their neighborhood.

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I think it is also important that as an Outreach Committee that we continue to reach out. But I think that, for example, I've been announcing this meeting for the last three weeks on Sundays. And I was a little disappointed when I came in to see the turn out. But I'm from the neighborhood. I grew up right here, just like some of you in the audience. And you know, when you talk about dialogue between NYPD and the reconsideration of cases and things of that nature, I think, again, like Richard said, that strengthens our position. No one on this board, especially myself, is trying to renegotiate decisions that we made based on substantiating cases. I think that the biggest thought is the penalty. Was the penalty appropriate based on maybe new information they may offer. So I want -- my wish is and hope is that the public and community

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will know there are people on this board, and my fellow members of our Outreach Committee, the chair of the Outreach Committee with me, we are very passionate about trying to get this message out into the public's hands and into the communities' hands so that they will take full advantage of what this resource offers to the public. So I just want to say that because it is very important.

Also, Richard, I think, that in our committee meeting -- Lindsay you can chime in -- we are toying with the idea of doing more postings on social media. And I think that it begs the conversation on how we would be able to do that without compromising the integrity of what we do.

So I mean that goes for all the social media platforms. I think that, Brian, you were in touch with -- why don't you speak a little bit about the information portal that was offered to

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2 us?

3 MR. CONNELL: We did speak to NYC
4 Digital. We had a meeting with them.

5 Good evening. We did speak to
6 NYPD Digital, and we expressed to them
7 our interest in getting the message
8 out, and we also talked about whether
9 or not that message should be done
10 through a separate account of our own,
11 or whether they should be done through
12 their central Twitter account. And
13 they advised that given the response
14 from the public which put out
15 information that may compromise our
16 investigation, it is better to have it
17 streamed-line through NYC Digital and
18 they will Tweet the information that we
19 would want to put it for our outreach
20 meetings, be it for board meetings, or
21 be it specific information about how
22 the agency is performing. We can do it
23 through that source.

24 BISHOP TAYLOR: The question was,
25 are we prohibited from having our own

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2 online portal? Can we setup Twitter?
3 Can we Tweet information out to the
4 public? And for those that don't know
5 about NYC Digital, it is a mayoral
6 portal that goes through NYC.gov and
7 all the postings about the agency and
8 things of that nature are put through
9 that mechanism. So I guess what we
10 were trying to ascertain from the board
11 is, are we -- do we want to move into
12 this digital platform and use the
13 benefits of it to further our message
14 to the public.

15 CHAIR EMERY: I think Linda
16 Sachs, who is also here, has been
17 working on many of these issues about
18 connecting with the public at large and
19 particularly connecting with the
20 complainants in the process through the
21 digital medium. And I think she's
22 thought about it probably, as much as I
23 know, more than anybody else from the
24 agency. And so I do think that it is
25 an opportunity that we shouldn't miss.

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And the question of what is appropriate and what is proper is certainly one we have to take seriously into account. But I know of no prohibition, other than the normal prohibitions about privacy and about particulars of a case or of a complainant's, personal circumstances, or an officer's personal circumstances, that we're prohibited from revealing or results by individual case that we're prohibited in revealing. But other than that, I think our outreach process is enhanced and probably will be creatively expanded by these opportunities.

BISHOP TAYLOR: Joe, I know we have had some extensive, we were on call for about an hour and a half, about 30 minutes was about the social media thing. And I know you raised a couple questions as well, if you want to talk about that because --

MR. PUMA: Well, I mean, some of the question was answered that very

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same day, because later that day our subcommittee meeting learned about the funding of the new outreach positions, which we hope we'll get finalized in the adoptive budget. And so this increases some of our capacity perhaps to do this, and that can be an internal staff position that Ms. Malik, and in combination of Carlmais and others and the staff can decide. Because I think social media -- having a social media presence actually does require some significant labor. So I mean, I think, that's promising.

As far as the use of this portal I don't -- I have the same question as well, whether that is something the agency can utilize in the meantime, since there will be some months before we can hire outreach staff.

CHAIR EMERY: Dan, you want to say something?

I think that is -- there is one other item new business. And that is,

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I just want to pre-stage for the next meeting. We are going to have a package of proposed board rules changes, not super extensive, but to reflect some of the new practices that we have undertaken as a practical matter. And to reflect an understanding of the open meetings law and our requirements in deciding cases that can be done by mechanisms, other than meeting in-person or on Skype, as we do now in panels. But I think in-person and Skype meetings or at least conference call meetings should also happen for panels. But for reconsiderations there may be other ways of finalizing results that are more efficient than meeting or Skyping. Conference calls may be adequate, and so far we have not -- I think it is pretty clear we have the right to do conference calls for this type of quasi-judicial process.

And so we're going to do some

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rule changes in that regard. And there are a couple of other rule changes that we need for APU, and other matters. And so we're going to is put a package together. It will be distributed in advance of the next board meeting, so that everybody has a chance to look at it, discuss it, evaluate it. And then we can hopefully adopt that with whatever methods are appropriate at the next public board meeting in March. And that's all I have.

Any other matters that we should take up before we go into executive session?

MR. GITNER: Yes. Maybe this is what you're referring to, but I thought there was going to be some discussion over when it might be appropriate to exonerate, maybe that's something you're referring to just now?

CHAIR EMERY: No. No. That's a discussion. I think that's a discussion. And I think probably it is

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2 more of a philosophical discussion
3 about our results.

4 What Dan is referring to, just
5 for the public at large, is a question
6 I raised about situations where a
7 police officer is accused or alleged to
8 have committed misconduct, and has a
9 version of events which is different
10 from what all the evidence says
11 actually occurred. And the evidence by
12 a preponderance of the evidence -- by
13 the preponderance of evidence describes
14 a story which the police officer
15 disagrees with, but the investigator
16 finds occurred and that that story is
17 not misconduct. Which is an
18 interesting situation where you have a
19 police officer who is saying that
20 didn't occur, but everybody else said
21 it did occur, but it is not misconduct.

22 And we've been exonerating those
23 cases. And it just struck me as
24 something while logically proper,
25 didn't make a lot of sense to exonerate

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conduct that a police officer said
didn't occur.

And I understand the logic of
saying that it is exonerated because we
find that whatever happened that did
occur was not a violation. But it's
still an odd way of looking at the
results, in my view. I kind of favor
the idea of substantiation. But I'm
sort of agnostic about the whole thing
at this point. And I'd love, if we
want to talk about it, that's fine,
before we breakup today. But what are
your thoughts, Dan?

MR. GITNER: I actually thought
that the issue was a little different
than the way you just framed it. But
I'm not sure it really matters.
Because my general view is that it's
sometime board members, myself
included, believe a police officer,
even in the face of other people's
stories or statements that are at odds
with what the police officer says.

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2 That happens sometimes every now, and
3 then sometimes quite often. And that
4 particular board member should be
5 allowed to decide the case based on the
6 way the board member views the
7 evidence.

8 I thought that the issue that was
9 raised was whether or not solely based
10 on an officer's statement one could
11 exonerate.

12 CHAIR EMERY: No, no.

13 MR. GITNER: I think that's
14 clear. I thought that was the issue.
15 But I hear you say something different
16 now.

17 CHAIR EMERY: I have never raised
18 that question. I think a board member
19 and a panel can make a decision based
20 on any view of the evidence it sees as
21 appropriate, what is corroborated, what
22 isn't, what constitutes preponderance.
23 My problem was this discordance with
24 the situation where an investigator
25 arrives at a conclusion by

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preponderance of the evidence, which is not consistent with what the officer said and is not misconduct. Which is a very odd. It happens, it happens a lot. The officers say things that we don't believe, and yet the things we do believe are not misconduct.

MR. GITNER: What you're saying, just so I understand it now, is that there are times when an investigator recommends exoneration --

CHAIR EMERY: That's right.

MR. GITNER: -- based on the preponderance of the evidence, but some of the evidence is at odds with what the officer said.

CHAIR EMERY: Dramatically, not some of it, all of it.

MR. GITNER: To be honest, I'm not sure we've encountered that situation.

CHAIR EMERY: We've had a few recently. And it seemed to me instinctively that should be an unsub.

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2 MR. GITNER: I understand your
3 point. I misunderstood before.

4 CHAIR EMERY: There is this kind
5 of logical and interesting debate about
6 our outcomes: Unsub, exoneration, sub
7 is easy.

8 MR. GITNER: My view is still
9 that these things are just so fact
10 dependent, so individualistic and
11 sometimes depend frankly on the luck of
12 the draw of the panel.

13 CHAIR EMERY: Yes. But it
14 shouldn't.

15 MR. GITNER: Well --

16 CHAIR EMERY: It shouldn't.

17 MR. GITNER: The fact is that it
18 does. Before panels were random, some
19 panels substantiate more than others.

20 CHAIR EMERY: My view, that was a
21 total mess. But the fact -- but in
22 principle we should know what an
23 exoneration is, and an unsub is. And
24 if there is a principle difference
25 between the two we should be consistent

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investigators, I guess, should somehow participate, when appropriate, in IAB investigations. I wasn't quite sure exactly when that would be appropriate. But perhaps in certain kinds of interviews. I thought there was some talk about that.

CHAIR EMERY: They are parallel investigations in some cases. And what we may do, and again it is on an ad hoc basis, is never compromise our independent investigation. We are reaching results. But as part of the evidence gathering process, there maybe times when it is efficient to do interviews where we are present -- where IAB is doing an interview and we are present, and maybe we will even have an opportunity if we ask for that, or decide how we want to handle it so we don't want to call somebody back, a witness back, to ask questions about that interview. But we will also reserve the right to conduct our own

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2 whoever the investigator, that you
3 initially spoke to at CCRB that turns
4 it over, be present during the IAB
5 interview?

6 CHAIR EMERY: That's really --
7 you can request it. But it is not
8 necessarily going to be conducted that
9 way. It is going to be conducted in
10 the way that the investigator and his
11 or her supervisor and the executive
12 staff, if necessary -- but it wouldn't
13 necessarily get to that level --
14 determine the most affective way to
15 gather the evidence and reach a
16 conclusion. So it may be that in some
17 cases IAB would allow that kind of
18 participation and presence, and in
19 others it may be that we wouldn't want
20 to be there because we would want to
21 conduct our own interviews. It is
22 really a case by case basis.

23 MS. GUDIN: You see that is what
24 I'm confused about.

25 CHAIR EMERY: I understand.

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C E R T I F I C A T E

STATE OF NEW YORK)
)SS.
COUNTY OF QUEENS)

I, VICKY GALITSIS, a Certified
Shorthand Report and Notary Public with and
for the State of New York, do hereby
certify:

I reported the proceedings in the
with-entitled matter and the foregoing
transcript is a true record of said
proceedings, as amended.

I further certify that I am not
related to any of the parties to this action
by blood or marriage; that I am in no way
interested in the outcome of the matter.

IN WITNESS WHEREOF, I have hereunto
set my hand this 19th day of February, 2015.

VICKY GALITSIS

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