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2 MEETING OF
3 THE CIVILIAN COMPLAINT REVIEW BOARD
4 -----X

5 May 9, 2012
6 10:08 a.m.

7
8 40 Rector Street
9 2nd Floor
10 New York, New York 10006

11
12 DANIEL D. CHU, ESQ., CHAIR
13 JOAN M. THOMPSON, EXECUTIVE DIRECTOR

- 14
15 PUBLIC MEETING AGENDA:
16 1. Call to Order
17 2. Adoption of Minutes
18 3. Report from the Chair
19 4. Report from the Executive Director
20 5. Committee Reports
21 6. Old Business
22 7. New Business
23 8. Public Comment

24
25 Reported By: Erwin Fried

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2 BOARD MEMBERS PRESENT WERE:

3 JAMES DONLON, ESQ.

4 DR. MOHAMMAD KHALID

5 YOUNGIK YOON, ESQ.

6 ALPHONZO A. GRANT, ESQ.

7 JULES A. MARTIN, ESQ.

8 DAVID G. LISTON, ESQ.

9 JANETTE CORTES-GOMEZ, ESQ.

10 MARY E. MULLIGAN, ESQ.

11 BISHOP MITCHELL G. TAYLOR

12 RUDOLPH LANDIN

13 TOSANO J. SIMONETTI

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1 THE CHAIR: All right, let's call
2 this meeting to order.

3 Good morning to everyone. Let's
4 start with the adoption of the minutes.
5 We actually have two to adopt today, if
6 I'm not mistaken. Let's start with the
7 March 2012 minutes, is there a motion?

8 DR. KHALID: So moved.

9 THE CHAIR: Is there a second?

10 MS. MULLIGAN: Second.

11 THE CHAIR: All those in favor of
12 adopting the March 2012 minutes say aye.

13 IN UNISON: Aye.

14 THE CHAIR: Any objections? Any
15 abstentions?

16 The March 2012 minutes are adopted.

17 Next we have the adoption of the
18 April Special Session. Is there a motion
19 for the adoption of the minutes to the
20 April Special Session wherein we voted
21 for the MOU?

22 BISHOP TAYLOR: So moved.

23 THE CHAIR: Is there a second?

24 MS. MULLIGAN: Second.

25 THE CHAIR: Okay. All those in

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1 favor of adopting the April Special
2 Session please say aye.

3 IN UNISON: Aye.

4 THE CHAIR: Any objections? Any
5 abstentions?

6 Okay, the April session; April 2012
7 Special Session is also adopted.

8 All right. As you all may know an
9 agreement pertaining to providing the
10 CCRB with additional prosecutorial
11 authority in trying substantiated cases
12 in the NYPD trial room was announced on
13 March 27th, 2012. I just want to provide
14 everyone on the board with an update as
15 to what has transpired and what has taken
16 place since that time.

17 You also know that it was formalized
18 in the Memorandum of Understanding on
19 April 2nd, 2012. And we subsequently
20 submitted a new needs request to OMB,
21 which is the Office of Management and
22 Budget. In that new needs request we
23 requested eighteen additional positions
24 on top of the two that we already
25 previously had for the APU. We also

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1 requested funding, known as OTPS which
2 means other than personal services funding,
3 and also a one time allocation of capital
4 funding to upgrade the case tracking
5 system to track the additional data
6 that's going to be produced as a result
7 of the expanded APU.

8 As of May 3rd City Hall, Mayor
9 Bloomberg, incorporated our new needs
10 request into the Executive budget for
11 2013. It authorizes a new agency head
12 count now of 164 fulltime employees,
13 which includes a new Prosecution Unit
14 head count of twenty.

15 All right. The new unit will
16 consist of a unit chief, a deputy; ten
17 prosecutors will be handling the day-to-
18 day cases, five investigators to assist
19 the prosecutors with trial and witness
20 preparations. One clerical staffer and a
21 programmer and an analyst to manage the
22 new database and produce periodic reports
23 on the APU's work in progress.

24 The budget; the Executive budget, as
25 it stands now also provides, as I

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1 mentioned previously, an upgrade to our
2 case tracking system for fiscal 2013.
3 And among other things it will facilitate
4 the management and public reporting on
5 cases that the unit will be handling. It
6 represents an update of the twelve year
7 old database which has served us well,
8 but certainly it's high time for a little
9 upgrading and this was a great
10 opportunity to do that.

11 The actual transfer of prosecutorial
12 power will occur after the CCRB and the
13 NYPD amend their respective rules. The
14 drafting process is now underway and we
15 have and will continue to provide the
16 board and the public with updates as to
17 the rule change and necessary
18 amendments as we go forward.

19 As everyone may know the rules
20 take effect thirty days after the final
21 amended rules are published in the City
22 Record. So that's kind of where we stand
23 now.

24 In terms of the board I believe that
25 Joan has asked the staff to present to

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1 all of us a draft copy, so when you get a
2 chance please review that and we will
3 have further meetings in that regard
4 going forward.

5 All right. I'm going to turn now to
6 Joan Thompson, the Executive Director, to
7 issue her report.

8 MS. THOMPSON: Okay, before I start
9 I just want to let everyone know that on
10 Thursday, May 17th, that we will be
11 testifying on the proposed Executive
12 Expense budget in front of the City
13 Council. This is the normal testimony
14 that we give annually. And that's, again,
15 on Thursday, May 17th at 2 PM.

16 The monthly statistics are as
17 follows:

18 In April 2012 the CCRB received 463
19 complaints. This was thirty-seven fewer
20 complaints than it received in April 2011
21 when the agency received 500 complaints,
22 for a seven percent decrease in the
23 month-to-month activity.

24 Year-to-date complaint activity has
25 decreased by five percent. We received

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1 1,901 complaints from January through
2 April 2012, which were ninety-four fewer
3 complaints than we received in the same
4 period of 2011, when we received 1,995
5 complaints.

6 Year-to-date the board has closed
7 1,632 cases. The truncation rate is
8 sixty-six percent, and the substantiation
9 rate is nine percent. The board has
10 substantiated forty-one cases in the
11 first four months of the year.

12 Year-to-date the CCRB has resolved
13 107 cases through the mediation program.
14 The number of cases resolved by the
15 Mediation Unit is approximately twenty
16 percent of the total number of cases
17 resolved by the CCRB.

18 The agency's docket at the end of
19 February stood at 2,895 cases. About
20 ninety-four percent of our open
21 investigations were filed within the last
22 year, and sixty-two percent were filed in
23 the first four months.

24 Of the open cases 609 cases are
25 awaiting panel review, or twenty-one

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1 percent of all open cases. 2,051 cases
2 are being currently investigated. And
3 235 cases are in the mediation program.

4 By date of occurrence of the
5 incident, ten cases of the CCRB's open
6 docket are eighteen months and older.
7 This is 0.3 percent of the open docket.

8 One case is on DA hold, two cases
9 are pending board review, three cases
10 were filed months after the incident; the
11 date of the incident, and in two cases
12 the officer is on military leave, and the
13 additional two cases the delay is the
14 result of investigative delay without
15 apparent justification.

16 In March 2012 the Police Department
17 closed fourteen CCRB substantiated cases.
18 Year-to-date the department has closed
19 fifty-five cases. The department has
20 imposed disciplinary action against
21 forty-eight officers. The disciplinary
22 rate is eighty-seven percent. The
23 department has not imposed discipline in
24 seven cases. Three cases were closed as
25 the department unable to prosecute.

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1 Three cases were closed because the SOL
2 had expired. And one case the officer
3 was found not guilty after trial. The
4 SOL, by the way, is statute of
5 limitation. The department unable to
6 prosecute rate is five percent.

7 THE CHAIR: Turning now to committee
8 reports. Are there any committees that
9 need to report to the rest of the board?

10 I know for myself, I just got handed
11 as we sat down a draft copy of the annual
12 report. So I'm sure that we'll be
13 working on reviewing that, editing that,
14 and that should be getting done and
15 getting it out shortly.

16 Are there any other committees that
17 have any reports?

18 Bishop, do you have any report
19 regarding the outreach program?

20 BISHOP TAYLOR: No, not any
21 recent update.

22 THE CHAIR: Okay. So you'll let us
23 know?

24 BISHOP TAYLOR: Yes, next month
25 we'll have a substantial report.

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1 THE CHAIR: Good. Is there any old
2 business?

3 Any new business that needs
4 discussion?

5 Okay. I'm going to open up now to
6 public comment. It looks like Michele
7 Moore.

8 MS. MOORE: I just want to say
9 congratulations on your expanded
10 responsibilities that surely reflects
11 wonderfully on everything you're done,
12 and that's great.

13 I just had a couple of questions for
14 the public record, and it has to do with
15 the jurisdiction. As far as the press
16 reports said that your jurisdiction was
17 expanded as a result of an agreement
18 between the mayor and the chief or
19 commissioner of police. Is all of your
20 jurisdiction defined that way or is some
21 of it the result of either a City Council
22 or past legislation?

23 THE CHAIR: If there's any
24 clarification that you need I would refer
25 you to the press office, we can have

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1 someone sit down and speak with you.

2 In terms of our overall jurisdiction
3 it's still FADO. It's just in terms of
4 the substantiated cases, where the board
5 makes a recommendations, charges and
6 specifications rather than the Department
7 Advocate's office, we now will have, as
8 an independent agency our attorneys, our
9 prosecutors taking on that task.

10 MS. MOORE: I understand.

11 THE CHAIR: But the jurisdiction in
12 terms of FADO is going to be the same.

13 MS. MOORE: Surely. The Village
14 Voice has run a series on Adrian
15 Schoolcraft. And as a result of that
16 series and it's -- my name is Michele
17 Moore, and we posted that
18 reportingwrongdoing.com, if you want to
19 see the articles. But a number of
20 citizens came forward and said that their
21 crimes had not been reported accurately
22 or followed upon.

23 And, currently, the system is that
24 if they report that to you they're
25 referred back to NYPD. And I notice that

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1 on last month's statistics, there are
2 about 400 and some that -- complaints
3 that you processed, and then over 700
4 that went back to NYPD, is that correct?

5 THE CHAIR: I'm going just turn you
6 over later to our statistics person to
7 speak. This is public comment. Please
8 make all your comments; it's not a
9 question and answer.

10 MS. MOORE: Okay.

11 THE CHAIR: So any questions you
12 have you can present them and we'll be
13 sure to try to get you the answers.

14 MS. MOORE: All righty. And the
15 other comment I really wanted to make is
16 that as a citizen of New York when we see
17 huge numbers of police, really
18 overpowering a few peaceful protesters,
19 and it makes them look like terrorists.
20 And we have a situation when NYPD is
21 treating peaceful protesting citizens
22 like terrorists. I think that's a very,
23 very unfortunate situation to be in, and
24 something which we all have to work to
25 change.

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1 So, thank you for that.

2 THE CHAIR: Thank you. There's no
3 one else that's looking to make public
4 comment, that will conclude the public
5 portion.

6 We will take a five-minute break and
7 then break into Executive Session. Thank
8 you very much.

9 (Meeting concluded)

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C E R T I F I C A T I O N

I, Esther Accardi, hereby certify that the foregoing is a true and correct transcription, to the best of my ability, of the sound recorded proceedings submitted for transcription.

I further certify that I am not employed by nor related to any party to this action.

In witness whereof, I hereby sign this date:
May 18, 2012.

ESTHER ACCARDI (CET**D-485)
AAERT Certified Electronic Transcriber