PUBLIC BOARD MEETING OF THE
CIVILIAN COMPLAINT REVIEW BOARD

101 Avenue D,
New York, New York 10009

June 10, 2015
6:36 p.m.

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

PUBLIC MEETING TRANSCRIPT

Reported By:
CHRISTOPHER DAY
APPEARANCES:

BOARD MEMBERS PRESENT:

Richard D. Emery, Esq., Chair
Janette Cortes-Gomez, Esq., Commissioner
Joseph Puma, CCRB Commissioner
I. Bennett Capers, Esq., CCRB Commissioner
Deborah L. Zoland, Esq., CCRB Commissioner
Youngik Yoon, Esq., CCRB Commissioner
Bishop Mitchell G. Taylor, CCRB Commissioner
Sal Carcaterra, CCRB Commissioner

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Mina Q. Malik, Esq., Executive Director
Marcos Soler, CCRB
Carlmais Johnson, CCRB

PUBLIC COMMENT BY:

CHRISTOPHER DUNN
MR. GRADY / GRADY PLUMBING (AS PER SIGNER)
DAMARIS ESPINAL
MARQUIS JENKINS
JOHN BLASCO
ERNESTO TORRES
THERESE HUFF
ADRIAN CHAVEZ
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MR. EMERY: Let's call the June Civilian Complaint Review Board meeting to order. Thank you for coming. Thanks everybody here at this wonderful facility for having us. Well, thank you more formally. But it is really nice to be here on a beautiful June day. First thing I want to do is welcome a new distinguished board member for the CCRB, Sal Carcaterra, who comes to us as a police commissioner appointee, and Sal's had a long -- had a long career with the New York City Police Department primarily in the office of the chief of the department, and also --

SPEAKER: Would you please speak closer to the mic?

MR. EMERY: I'm sorry. Sure. Sal headed a precinct for a period of time and had several very important and distinguished posts. I'm not going to go through them. He helped managed Comp Stat. Joe Puma is here, and Bennett you're over here, okay. And after a
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long wait we -- we finally have Sal with us and are very appreciative of your service already.

MR. CARCATERRA: Thank you.

MR. EMERY: You'll see that this is hard work.

MR. CARCATERRA: Yeah.

MR. EMERY: But it's very interesting work and work that I think is rewarding for those of us who do it and -- and everybody you --, all the members of this board are really devoted to the mission of this agency, and work in a collegial way to really, I think, in the highest minded way do justice for complainants and officers. And I know that it's going to be great to have you as part of that. God knows we need you, because we need the police commissioner appointees since your aura is a lot heavier than the rest of us. So welcome.

MR. CARCATERRA: Thank you.

MR. EMERY: Okay. This second I'm
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going to refer to Mina just quickly,
but -- she will do an Executive
Director's report, Executive Director
Malik, but I wanted her to introduce
our new director of investigations in
the room, Thomas Kim. And if you could
say a few words about Tom, that would
be great.

MS. MALIK: Absolutely. So our
new deputy executive director of
investigations basically acts as the
chief of our investigations division,
which is comprised of a maximum of 110
investigators, and Thomas Kim brings to
this new position a broad view, proven
leadership and extensive knowledge of
government agencies and investigative
experience. He has 17 years of senior
executive experience within the public
and the private sector, he was a
supervisor with over ten years
experience for the U.S. Army Central
Command and the Sexual Abuse Review
Board, and provided oversight in the
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US Army of the Criminal Investigations Division's special agents, as well as military police investigators, and over 80 judge advocate general officers in five different countries. He also hails from the Illinois Department of Juvenile Justice where he oversaw over 200 employees, including the Department of Corrections Internal Affairs Bureau, and he rose through the ranks from superintendent, to regional administrator, to deputy director of that agency. He also was in the Illinois Department of Children and Family Services where he worked in the Child Protective Service Investigation Team and supervised investigators who investigated allegations of child abuse as well as sexual crimes against children.

He has numerous commendations, too numerous to mention here, including two bronze star medals from the US Army and holds a Bachelor of Arts in
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political science, a Master's in Social Work, and a Master's in Business Administration, and I trust that he will be an integral part for our CCRB investigative staff, and we welcome him aboard.

MR. EMERY: Thanks Mina. I think we should go to one of the most important things that we're trying to do here as a board next, and that is adoption of the rules that we've been working on for a long time.

For your benefit, Sal, we are -- we've engaged in about a four-month process of attempting to amend -- to bring up to our current procedures -- the rules of the CCRB. In order to do that, we have to finalize them and put them out for public comment over a period of time in the typical way the rules for any agency of the city have to be adopted. So we're in the process now of attempting to finalize them here at the board. They've been
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distributed. You know, they're obviously extensive and a lot of people did a lot of work on them, and nobody expects you to understand it here today, but what we want to do is move forward on this, get them into the process, . There's still a public comment period which will occur, and then we have an opportunity to make changes in the future, and there's a lot of -- there's a lot of fundamental debates about how this should operate. Debbie Zoland has been extremely hard working in this project, and so has a great number of the staff.

So what I would like to do, and maybe, Debbie, you could take a little bit of a lead on this, is see whether we're ready to -- where are the final rules? I thought they were in our package.

MS. ZOLAND: In the bottom of the package.

MR. EMERY: No. Oh, yes, good,
okay. So yes, they're in there. They're clipped together here.

MR. ZOLAND: These are -- I sat down with counsel for the agency Friday, and these reflect the final changes that I had, so I think they would be ready to begin processing.

MR. EMERY: Okay. There is one rule that I think we wanted to add, and -- is Lindsey here? Are you taking the staff role for this for this project still?

SPEAKER: Yes.

MR. EMERY: Good. I think there's one rule we wanted to add, because it came up recently, and it's not in the rules, and it should. And where we put it exactly, I don't know, but I would like to still finalize things tonight, so I would like to try to agree on how this rule can be integrated into what we have, and that is -- there was some question raised recently about the executive director's authority to issue
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subpoenas. This is a practice that has taken place since 1996, but our rules currently appear to require full board action to issue a subpoena. However, in -- on July 10th in 1996, the board delegated that authority to the executive director, in a resolution of the board as a whole. And the board has operated, the whole agency has operated that way since 1996, essentially for 19 years. And what I want to do is have the rules reflect that, and pass a resolution tonight confirming that that is our delegation of authority. And then so that that can continue pending the outcome and adoption of the rules. And then when the rules are in effect, it will be completely transparent to anyone who wants to look, but at this point, there's an issue of course, because it isn't written in a place that is accessible to anyone who wants to check as to what the authority is, but it's rather in a board resolution
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from 19 years ago. So what I want to
do is have this public, and clear, that
has been our position -- it is our
position, and it's going to be in the
rules as our position that the
executive director makes decisions and
evaluates, and then ultimately executes
subpoenas that go out on a regular
basis. Thank you.

So do we have a specific
resolution that we can adopt in this
regard, or should we just publicly adopt --
I guess what we should do is just publicly
adopt the resolution that was previously
adopted in executive session by the
board on July 10, 1996, which simply
says subpoena practice, issuance of
subpoenas by the board. It was agreed
that the power to issue subpoenas should
be delegated to the executive director.
Do you have something else, John?

You got a resolution that
captures this for us?

SPEAKER: Yes.
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MR. EMERY: So the resolution that we would hopefully adopt is: It is the resolved that unless and until the board resolves -- otherwise resolves upon a majority vote of members -- wait, let's see -- this isn't what we are saying -- oh, okay -- upon majority vote of members of the board or at the discretion of the executive director, subpoenas ad testificandum and duces tecum may be issued, such subpoenas are enforceable pursuant to relevant provisions of Article 23 of the New York Civil Practice Law and Rules. So this is fine. This is the executive director has the authority or a majority of the board, which it remains within any event so --

MR. CAPERS: Can you just read that again?

MR. EMERY: Of course, I'm sorry.

MR. CAPERS: I want to hear that again.

MR. EMERY: Yeah. Of course. Upon
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a majority vote of members of the board or at the discretion of the executive director, subpoenas ad testificandum and duces tecum may be issued. Such subpoenas are enforceable pursuant to relevant provisions of Article 23 of the New York Civil Practice Law and Rules. Does anybody want to make a motion to adopt this as a reflection of the current practice and future practice of the agency?

MR. CAPERS: I'll make the motion.

MR. EMERY: Second?

MR. PUMA: I'll second.

MR. EMERY: All in favor?

(Ayes, unanimous adoption.)


Debbie, let me consult with you about this. These were two comments you had concerning the section -- well, there were two comments you had, this is 124D.

MS. ZOLAND: Yeah. This is different.
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These were fine.

MR. EMERY: This is -- but the new thing is fine, this isn't in the draft that we now have, correct?

MS. ZOLAND: Let me check.

MR. EMERY: It's not. There are two things. The statute of limitations issue, and do we have -- do we have Jon or Lindsey, the actual language that we want to substitute based on Debbie's comments last Friday.

LINDSEY: In regards to 124D?

In regards to 124D and in regards to the statute of limitations section, the 18 months section.

LINDSEY: I was only told to draft those languages for 124D.

MR. EMERY: Okay. What will be the statute of limitations?

MS. ZOLAND: All that I was suggesting is that we make a reference instead of 18 months, consistent with a civil service law so people know where it came from. It's not a number, 18 months
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is not something we pulled out of a hat, and has statutory and case law about when it applies and when it doesn't. So if we make the reference to the civil service law, then it will be clear that that's what we mean. That's all. I think that's it. I think it should be incorporated by reference to the statute.

MR. EMERY: Okay. Lindsey, can you make a note of that in the final version which is going to go to the Law Department for publication next week or late this week that we reference the civil service law 18 month limitation period from the date of incidence in which we have to act. Okay?

SPEAKER: Okay.

MR. EMERY: So with respect to 124D we all have in our packets proposed language which would now be added in order to set forth the recitation of the preamble to any police officer interview. And the theory here is that
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this is a more full, and complete, and accurate statement of the process which is going to take place during a police officer interview and the potential consequences and the obligations of the police officer in the interview so it's a fair statement of what any particular police officer is confronting when interviewed by the CCRB.

Any commentary on this or any discussion of this language?

MR. CAPERS: Just for clarification, how does it differ from this language?

MR. EMERY: Debbie is a bit --

MS. ZOLAND: I think that this is specifically about the false statements, a warning they could be terminated if they don't give false statements --

MR. EMERY: If they give false statements.

MS. ZOLAND: If they give false statements. And then it's more in line with the Patrol guide section that
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police officers are read in an Internal Affairs Bureau in the police department's investigation. As we had discussed at the last meeting, that it was fair to put them on notice that it does apply.

MR. CAPERS: So we would be using this insert in lieu of --

MS. ZOLAND: In addition. No, it's in addition. I believe it's in -- in addition.

LINDSEY: Just for clarity --

MS. ZOLAND: Yeah.

LINDSEY: -- originally in the original document that you have, I had written the specific language that our investigators used to warn police about the false official -- I believe it's Patrol guide 203-08. That is already being used by investigators at all times. It was brought up by Commissioner Zoland that that Patrol guide could change in the future. It could change rule numbers. So because of that, we took out that last paragraph
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of the exact Patrol Guide section, and merely cited the Patrol Guide without the section, and used the basis language without completely quoting.

MR. CAPERS: Okay.

SPEAKER: That's the only difference.

MR. EMERY: Do we have a motion to incorporate this language into the current draft which is -- would then become final with the reference to the civil service law.

MR. CAPERS: I'll so move.

MS. ZOLAND: I move it.

MR. CAPERS: Okay. I'll second it.

MR. EMERY: Okay. All in favor? (Ayes, unanimously adopted.)

MR. EMERY: Any opposed? Okay. Can we then move the entire package? Are there any issues that anybody has with these rules at this point? Obviously, it's not final here. This
is our final product for public comment, based on public comment, we will be able to reevaluate in the future at the period of time the public comment takes place and subsequent meetings. So this is not the end of the road, but the resolution that I have to have adopted for this purpose is, I'm told by the powers that be, this has to be read into the record essentially.

In recent months, the board has drafted and discussed changes to its rules. The current draft requires no further edits. It is resolved that the board approved said draft rules and that they be submitted to the Law Department and the Mayor's Office of Operations for formal review, meaning public -- public availability for public comment, put up on the city website and the city record, I believe for public comment. So with that in mind -- will somebody make a motion to adopt that?

MR. TAYLOR: So moved.
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MR. EMERY: Second?

MR. CAPERS: I'll second.

MR. EMERY: All in favor?

(Ayes, unanimously adopted.)

MR. EMERY: Any opposed?

All right. So these rules now, this week, should go to the Law Department for the appropriate processing and formal process to move them forward to public comment. Okay. I didn't move to -- we started before we had a quorum. Now we have a quorum for these votes that we just took. Let's also have a motion, if we could, for adoption of the minutes.

MR. CAPERS: Moved.

MR. EMERY: Second?

MS. ZOLAND: Second.

MR. EMERY: Okay. All in favor?

(Ayes, unanimously adopted.)


I presume all of you have looked at the annual report, which was issued very close to the last meeting, but has
obviously caused some interesting commentary and public reaction. If you haven't, then -- Sal -- you may not have, but the annual report that came out annual report in May is a very interesting piece of reading, and it's not the typical annual report which is overly self-praising, this is a pretty serious and interesting look at both our operations and our relations with the police department and the public issues.

Janette, come on in. Janette Cortes-Gomez has arrived. Thank you. So I just want to comment that I don't think it's like any annual report this agency has ever done, and perhaps any agency has ever done. So I think it is really worth a good look, and I also want to thank a number of staff members, primarily Marcos Soler and Executive Director Mina Malik, and Linda Sachs, and others for doing a tremendous amount of work to produce this report. I think in our new-found order of events -- and
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moving along quickly, if I'm not mistaken -- anybody have any comments before we have public comment, and an opportunity for public comment at this point? Anybody want to raise any issues that are on your minds? I mean, we're going to go back to the board activities. We're going to talk about committees, we're going to talk about any other events. But at this point, does anybody want to raise anything? Okay.

MR. PUMA: Actually --

MR. EMERY: Yes, please, Joe.

MR. PUMA: I just want to extend greetings to the community members from the lower east side who have come to attend this meeting today. I was involved with securing this space, this is the community that I call home. I live in public housing not so far from here, and so I'm just grateful for the attendance of, you know, community members who have come to learn more
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about this agency and the direction
it's going in, and you know, frankly, the
public comment period for me is one of
the most interesting times of the
meeting, so I hope that members,
community members who have come today
who are considering -- are considering
introducing themselves and speaking to
us.

MR. EMERY: Joe, as I said before
you got here, when we started informally,
before we had a quorum, it's really nice
to be here. It's a lovely, warm lovely
place to be, and I feel very welcome,
and it's great on a beautiful spring day
like this to be here in your neighborhood.

Chris, you want to start? You're
the first on the list.

MR. DUNN: Are you going to do one
round of public comment?

MR. EMERY: At this point, yes.

MR. DUNN: Is this it?

MR. EMERY: So take your best
shot.
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MR. DUNN: Should I be using this?

SPEAKER: Yes, please do.

MR. EMERY: Yes, you can move it wherever you want it.

SPEAKER: Before you start, can I say something? This room, I'm deaf, and I wear a hearing aid, and this room is very difficult to hear in, and I don't hear anything that's going on except when you raise your voice a little bit.

MR. EMERY: Okay.

SPEAKER: You, I don't hear at all. You and Joe, I'm sorry. I --

MR. EMERY: We'll be trying and be loud, address --

SPEAKER: It's very challenging to pay attention when you can't hear and you don't understand. I don't know about the people in the back, because that's where I'm suffering.

MR. EMERY: It's too bad because it's such a nice room.

SPEAKER: It is, but it's very --

MR. EMERY: We'll work hard, we'll
talk into the microphone.

SPEAKER: Thank you.

MR. DUNN: The good news is I'm going to have basically nothing to say because since there's been no board business, I really don't have anything to comment about. I'll reserve our comments on the rules for the formal comment and notice period. I just have one question. This relates to the rules you have taken out of the rules the requirement of notifying complainants of the final police commissioner disposition.

What is the agency's current practice about informing complainants about agency decisions to substantiate or not substantiate a complaint, and are complainants being informed of the identity of the officer?

MR. EMERY: Well, this is a subject of some concern right now. We are working hard, and Bennett Capers chairs the committee, was originally
the closing reports committee, but is also involved in notifications to complainants and officers as to the outcome of cases. And our desire to be -- to disclose as much information as we're allowed to complainants and officers. This does not address the first point you alluded to, which is the disposition after police commissioner action. This addresses our communication with complainants and police officers at the end, after panel review, after panel review is -- at least the initial panel review, and then if it's changed after reconsideration, which is the rarest, the rare thing. We have traditionally made a very rote and simple statement of either unsubstantiated or substantiated, which was very unrevealing, and we were all dissatisfied with that approach to try to communicate with, especially complainants. And so we explored the issue of the degree to which we could
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provide more detailed information to the complainants, and it turned out after a series of internal debates about what we could and could not do, and what was desirable to do, and the subcommittee working on this, as I understand it, and I invite Bennett and others to comment on this, because I may be saying things that are not quite correct, because I was not in the middle of this -- I was -- well, I was involved -- but that in an attempt to give out as much information as we could, we were running up against §50-a strictures in terms of providing information outside the agency to even complainants involving the disciplinary record of a named officer, and we were instructed by the Law Department most recently -- and again, correct me if I'm wrong -- that we were not allowed to provide the name of the officer to the very person who had often provided it to us, and to the very person who had caused the identification
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of the officer if she hadn't provided it to us.

So we were very concerned about trying to figure this out and to be able to -- to be to give as much disclosure as possible, and any help you can give us in this regard, and commentary, and advocacy on this point, would be very much appreciated. I think that at a minimum, we are going to invite complainants in particular, also police officers, to speak with the investigators in the case. And the investigators then, hopefully, will be explaining the rationale of the outcome of the case to people who want more information than a form letter, ultimately, will give them.

And Bennett, you want to comment, and others, perhaps, on this issue?

MR. CAPERS: There's really not much more to add. I think Richard Emery got it exactly right. Just kept running up against sort of legal restrictions
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about how much we can disclose. It's still under review. It's still a work in progress, but that's where we are.

MR. EMERY: Let me just say one more thing before I invite your comments on this. Quite frankly, I think this is an issue where the Civil Liberties Union can be very helpful in this area, primarily by getting better legislation passed, in my view, and I'm speaking now for myself, not for the board. I think that the restrictions under §50-a are hampering confidence in our processes and hampering confidence in the entire process that takes place by restricting us in ways that I wish and believe we shouldn't be restricted.

However, the legal opinions on this issue are unequivocal and clear when we get them, that we are not permitted, ever, to name an officer in conjunction with a disciplinary outcome, and we're part of the disciplinary process. So with that, I would invite
you to help us to figure out the best way to navigate this problem.

MR. CAPERS: And I could add one more thing. I thing at one point you asked whether they are informed -- whether the allegations had been substantiated or not. They are informed of that, but we are limited in telling them, for example, if it's unsubstantiated, we can't really explain why it's unsubstantiated.

So there are lots of limitations but they do at least know whether the allegation was found substantiated or not.

MR. DUNN: They know that with respect to particular identified officers?

MR. CAPERS: No, because we can't name officers.

MR. DUNN: Am I to understand that the agency has stopped telling complainants the identity of officers against whom dispositions have been
Mr. Emery: At this point, yes. In documents that are distributed to up, and talks to an investigator, and the investigator will not also violate §50-a, it's the same thing. But there could be a discussion of that officer that you complained about in this situation, that allegation of excessive force, or discourtesy, or entry of a home without a warrant was substantiated.

Those things certainly can be explained without stating the name of a particular officer.

Mr. Dunn: Well, that may or may not be Richard, but so, in a situation where a complainant is accosted by three officers whose identities the complainant knows, or not, they file a complaint, there are three subject officers. Am I to understand now they're going to get a letter that would have an officer A,
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officer B, and officer C, and they will have no idea which officer -- whom they know -- got what outcomes in terms of their CCRB complaint?

MR. EMERY: At this point, that's correct.

MR. DUNN: So if I'm Pantaleo, and Officer Smith, and Officer Dunn, I'm going to get a letter back from the CCRB that's going to say subbed, unsubbed, exonerated, and I will have no idea which of the three officers got substantiated?

MR. EMERY: You could talk to -- you would be invited to call up the investigator to discuss the case and the outcome of the case, and the investigator will be able to discuss with you your allegations of so and so did such and such, and the other officer B did such and such, and will be able to say the sub -- substantiated allegation occurred and arose out of that event.

So it will be --
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MR. DUNN: Out of that event. But if I say to the investigator: Did Pantaleo get his complaint subbed, -- the investigator is going to say yes, or no, or the investigator is going to say no comment?

MR. EMERY: Investigator is going to say I'm not permitted to reveal that because it's a disciplinary, it's a revelation of a disciplinary action. Now, by the way, as you know better than I, probably, under §50-a there are exceptions for the head of the agency or for the agency itself, for the police department, the police department reveals disciplinary outcomes -- I wouldn't say regularly -- but they do reveal disciplinary outcomes on particular occasions, or when they think it's appropriate to do so.

So we're the ones who are confined. I don't think the police department is in fact confined. If we can figure out an interpretation that
the Law Department will adopt, we would be more than willing, if you will, to provide as much information as we are legally allowed to do under the current legislation. Seems to me the current legislation is very clearly a very restrictive form of providing public information on these very important events.

MR. DUNN: All right. Richard, I hear you saying it's the Law Department that has decreed this. I can only say that it will be no consolation to complainants that the police department when it finds it in its interest to disclose an outcome, chooses to do so. And I think I can further say with complete confidence that when the public learns that they no longer are going to find out whether or not a particular officer about whom they complain, whether or not that officer had his case substantiated by you or whether the police department
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disciplined the officer, that is going
to cause a lot of members of the public
to say: Why would I ever go through
this and file this complaint if I am
never going to find out what happened
to the cop.

SPEAKER: Exactly.

MR. DUNN: And I hear you saying
that's not your decision, and I accept
that, but I just wanted to emphasize it
should be an imperative issue for all of
you to deal with this issue, because it
is going to completely undermine any
pretense of legitimacy of this agency if
complainants will no longer find out what
happens with their complaints vis-a-vis
particular officers.

MR. EMERY: I take you seriously
in that regard, and I would like your
help in trying to find out whether there
are better ways to do this than we are
currently confined in the way which we
find ourselves currently confined. I
certainly believe that a complainant
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should be entitled to know the full outcome of a case, just so you search for the opportunity to make that information known, in figuring out how to do that, at this point, we're in a -- a state of -- I would say at least concern, and probably more accurately attempting, a state of attempting to try

SPEAKER: You didn't identify yourself.

MR. EMERY: Chris Dunn from the New York Civil Liberties Union. I'll identify him.

Anybody else want to comment on this issue, other than Bennett or further Bennett? Because I do think it's something we ought to push very hard -- yes?

MR. TAYLOR: What is the real --

MR. EMERY: Talk into the microphone.

SPEAKER: I can't hear you.

MR. TAYLOR: What is the real legal impediment in notifying the
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complainant of the disposition? What is the biggest hurdle?

MR. EMERY: §50-a of the civil rights law of the -- it's actually of the public office -- public office.

MR. DUNN: No. You're right.

MR. EMERY: The civil rights law.

MS. ZOLAND: The civil rights law of New York State says that personnel records of police officers are confidential, and they include -- and the definition of personnel records, any records that we reused to impact their performance or their assignment. And I'm really paraphrasing now. And disciplinary records are personnel records, and they have -- so they have -- there's a law against distributing that information.

SPEAKER: It's unacceptable.

MS. ZOLAND: Well, it's a state law. It was certainly passed quite sometime ago, and it has certain purposes that may not suit this
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situation, but certainly the personnel record of civil -- of a police officer is entitled to and needs certain protections. I'm not saying that protection is against complainants in the CCRB context is what it was meant for, but I think it is a necessary rule and a necessary law.

But in the answer to the question about what the law is, that's what the law is.

SPEAKER: That's unacceptable.

MR. EMERY: The other thing to know how serious this is, it's not just a minor transgression, it is a misdemeanor to violate §50-a. You can be prosecuted for that violation. So investigators, we here at this table, others in the CCRB, to the extent we violate §50-a, we are violating a law that has criminal consequences.

MS. ZOLAND: And then, besides, it is a state law, not even a local law that the City Council can do anything
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about.

MR. PUMA: I might suggest -- it's unfortunate that the legislative session in Albany is just ending, but might I suggest that the agency consider, you know, drafting legislation or making it part of a legislative agenda for next

MR. EMERY: It can be done through the Council as a home rule message. So maybe the right place to do it is coming from the City Council. From us to the City Council, to the state legislature, because it may have more weight and more likelihood of passage. I think it's a good thing.

MR. DUNN: So the only thing that I would add to this, as far as it's $50-a, Debbie, as you know, it certainly prohibits certain disclosures, but there's a lot of litigation about the scope of $50-a, and personnel records are prohibited from disclosure only if they are likely to lead to harassment of a police officer. This agency, as far
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as I know, for 20 years, has been
releasing those records to complainants
and to others identifying officers.
This agency has a rule that you're now
seeking to change. It was vetted by the
Law Department, provided for the
complainant getting the final
disposition from the Police Commissioner
that had the officer identified.
Everybody, for a long time, thought that
it was perfectly fine in this context to
give complainants information about
police officers. Now maybe nobody
thought about §50-a, including the Law
Department, two years ago when those
regs were adopted. But I find that hard
to believe, and I now have a problem
seeing as how these sorts of letters do
not, in fact, violate §50-a. And then I
would just finally say this is such a
major issue that for me -- this should
not be coming out by virtue of a member
of the public teasing it out of you.
This is a major issue going to the
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legitimacy of the agency in the eyes of the public.

MR. EMERY: Well, let's be clear. Let's be clear. It's part of our rules, and the rules have a range of things, and the public commentary period is just going to start next week, and quite frankly, I think that is the forum in which you and others should weigh in on this. And I don't think the case law and the current interpretations or the past interpretations would be nearly as good as a legislative solution to this issue, which I agree with you is extremely compelling.

MR. DUNN: I'm with you on that Richard, but to be clear, the rule change is around final determinations coming back in APU cases. You have a standing agency practice forever, when you sub a case or otherwise disclose a case, a letter goes to the complainant, identifies the officers, and identifies the outcome. As I understand it, you
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have now changed that practice.

MR. EMERY: Mm-hmm.

MR. DUNN: Perhaps in the last few weeks.

MR. EMERY: As a result -- you're right. It's very recent, and since the last meeting.

MR. DUNN: Since the last meeting.

MR. EMERY: Yes.

MR. DUNN: I did not read anything like that in the newspaper.

MR. EMERY: There wasn't an announcement in the newspaper because we probably -- I don't know how many letters we've sent out. Maybe none.

MS. MALIK: We haven't sent out any letters recently.

MR. EMERY: Yeah.

MR. DUNN: I just want to be clear. This is in my mind a major issue about your engagement with the public, and I hear you saying and I accept that you guys are concerned about this and trying to do something about it, but I
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sure would have liked to have seen some affirmative effort by the agency to raise this issue. I mean I read a story in the New York Post on Monday spinning the complaint numbers, and I'm like oh, where did that come from? And yet, it's only here through this process that it really comes out that within the last few weeks, the agency has changed a major part of its practice. And I'm saying to you, and I mean this in support of you because you know I support your work: It's the wrong way to go about surfacing this issue.

MR. EMERY: I actually think that your comment is well taken. Quite frankly, I think that Bennett and Debbie ought to head a subcommittee of the board on this issue, along with anybody else that wants to join it. I will be part of it in some sense.

SPEAKER: Yes, that would be good.

MR EMERY: But I think Bennett
and Debbie are the logical people to try
and explore the methods and means by
which we can disclose as much
information as possible, especially with
respect to which particular officer is
subbed or unsubbed in any outcome for --
for complainants. And anybody else who
wants to be on that committee is
welcome.

MS. CORTES-GOMEZ: Here's a
question, do you know if --

MR. EMERY: Talk into the
microphone.

MS. CORTES-GOMEZ: Sorry. Do you
know if similar to the HIPAA laws if a
police officer indicates his willingness
to have the information disclosed, if it
then can be disclosed?

MR. EMERY: I don't think the
police officer actually -- there's
nothing in the law that indicates that.

SPEAKER: Right.

MR. DUNN: That's actually not
ture. He can consent.
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MR. EMERY: He can consent.

Right.

MR. DUNN: None of them are going to consent.

MS. CORTES-GOMEZ: I'm just saying.

MR. DUNN: Yes, statute allows for this.

MR. EMERY: Sorry. Now that you say that, it does trigger my memory that the statute has. So at least Debbie and you should recruit the lawyers in the office. I think Vasudha can be interested at looking at this to figure out creative ways of looking at precedent or other ways and also hopefully drafting home rule legislation if necessary. Presumably it will necessary for the City Council to balance the interests here in a way that allows us to give as much disclosure as is reasonable.

All right. Thank you, Chris.

Next we have Grady Plumbing,

Mr. Grady, how are you?
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We're going to find out all the
typos in our minutes right now.

MR. GRADY: I did not notice any
typos in last month's minutes.

MR. EMERY: Wow. That's the first
time ever.

MR. GRADY: According to history
books used in American high school, until
1950, filthy rich men, Dixiecrat
democrat men, like on the level of
Bloomberg, et cetera, et cetera, et
cetera -- in the year 1860 had their
money tied up in negro slavers. These
men and their representatives were very
much in attendance at the Stephen
Douglas-Abraham Lincoln debates, 1860
year, these filthy rich democrat Dixie
felt that Lincoln was not their man.
Filthy rich democrat Dixie felt that
Lincoln was not their guy. Lincoln was
widely known as an abolitionist. Filthy
rich Dixie democrats was not certain
about Stephen Douglas' views. Abraham
as an attorney/lawyer was aware of these
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filthy rich Dixie democrats.

American, Abraham Lincoln,
inquired of Mr. Stephen Douglas,
Mr. Douglas, what if a negro escape and
break free, run for his freedom to
California, out west, et cetera?
Stephen Douglas' response: In that
case, the people in California, out
west, et cetera, will decide the negro
escapee, will live, if the negro escapee
will live in California.

This was not the response or
answer these filthy rich white -- filthy
rich Bloomberg men, Dixie democrats,
wanted to hear. Mr. Douglas wanted the
filthy rich men, Dixie democrats,
limited to the deep south, eastern
seashore, Bloomberg level. Hunt the
negro escapee down with the horse and
dogs. Bind him back to his or her
purchaser/master was what these filthy
rich Dixie men, democrat party members
had in mind.

Filthy rich Dixie democrat party
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resolved to let Abraham Lincoln be elected, but vote amongst themselves to secede from the United States government before Abraham Lincoln take oath of office, or be sworn in as president.

Napoleon Bonaparte, France

empire --

MR. EMERY: Grady, how much more of this do we have? Because this is not really on our agenda.

SPEAKER: Let him finish.

MR. GRADY: I was told -- I was told to identify my witness, O'Grady.

MR. EMERY: Yeah.

THE WITNESS: The race, race of him. He was attacked by a negro on the premises, a negro porter who -- who -- it who Corporation Counsel, as I -- as stated last month, Corporation Counsel informed all the residents that this negro porter pocketed $200,000 of their money, and I was told to identify the race, and it would be looked at differently. Mister -- O'Grady is a
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white plumbing -- a white plumbing outfit. The 28th said that they were very -- a very large concern in the plumbing industry, and they were attacked, you know, in this area.

Although -- although it was a synagogue, and right across the street in front of the building, you know, not -- they sold to the Roman Catholic Church in 1945, but the synagogue, is -- it was -- they're still in existence, but on West End Avenue. They're --

MR. EMERY: We really -- I think your time is up. Thank you very much. Okay? Thanks a lot.

SPEAKER: You know what? I'm signed up. He can use my time.

MR. EMERY: Damari Espinal.

Mr. Espinal? Thank you.

Damari is your first name?

MS. ESPINAL: Espinal, Damaris.

MR. EMERY: Damaris.

(Whereupon, Ms. Espinal spoke in Spanish, and her comments were
interpretation is
designated herein as "Ms. Espinal.")

MS. ESPINAL: I am here for
explaining my son's case, that he was
abused for the police, the New York
police. Ten years ago, I don't know
exactly here, the persons here, the
police abuse. I -- the City -- I would
like the City, I would like the City,
the police of the City of New York will
be for to help the community, not for to
hurt people. I hope the people that --
that have received the police abuse -- I
know -- I know what these people are
going through, because I lived that
situation.

I called the police for help,
and what I suffered was police abuse.
Thank you very much.

MR. EMERY: All right, If we want
to have an investigator at some point
interview this last person, Ms. Espinal,
to find out if there are specifics that
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we should be looking into, and if she wants to make a complaint -- can we arrange for that?

Tom, are you -- Tom is here.

Where is Tom? There he is.

Thomas, can we make sure we get her information and have somebody at least speak to her over the telephone in Spanish, who has the capability in Spanish to determine whether there is a live potential complaint there?

SPEAKER: Sorry, yes.

MR. EMERY: Thank you.

SPEAKER: Can I ask a question?

MR. EMERY: Yes.

SPEAKER: Do you have any Spanish interpreters here?

MR. EMERY: Oh, yes.

SPEAKER: Do you have any Spanish interpreters here that are present?

MR. EMERY: Here present, investigators? I don't think so. But at the office, we have many of them.

SPEAKER: Only English? Okay.
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MR. EMERY: Janette Brown. Not here. Janette Brown. Am I saying it wrong? Or -- it's Brown for sure, so. We'll skip Janette. If she comes back, we'll call her again. We have one more person, Marquis Jenkins.

MR. JENKINS: Want to say hello everybody, and thank you for having me here. A lot of what's going on today to be quite frank, I was lost. For someone who come to this meeting for the first time, it's not accessible from hearing you guys reference laws that have a huge impact on us, and on what I -- I think these laws are from, to the way we respond to the folks who are in this room -- so if we want this space to be inclusive, if we want the support of the people in this room, and we want the CCRB to have not only a mouth, but teeth, we must change the way we conduct our meetings. We must make sure that everyone understands what it is that's being said, and there must be time to
explain it, if not at this meeting, then
at a separate place. But we have to
make sure that everyone knows what's
going on, and everyone has access to
give input, and I wanted to -- I
wasn't -- I wasn't going to speak, but
I was very, very upset at the way that
the gentleman in the back was handled,
and I implore you to give him an
apology for the way that you responded
to the way he talked.

MR. EMERY: Let me just explain
that Mr. Grady comes and has talked at
length, and we have listened to him at
length at every meeting that I have ever
attended during the whole time I have
been here, which is now -- I think I'm
in my 12th meeting, or maybe 10th, 11th
meeting, or something like that. And we
absolutely listened to Mr. Grady, and he
signs himself in as Grady Plumbing. I
call him Mr. Grady because that's the
best name I can think of to identify
him, and he is a completely respected
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member of our audience and we absolutely listen and wait for him to tell us something that might be probative and helpful, and tonight I -- at some point, usually around this time, he ends himself. I've never cut him off before, and I felt necessary to cut him off tonight because we have other business to go to, and I can't really apologize to that -- for that, but I understand your point.

MR. JENKINS: You should. Because one, if someone has a name, you should ask them what name they should be called by.

MR. EMERY: Well, he signed the name himself.

MR. JENKINS: Two, if there's a timer, then you don't have to worry about someone being cut off. You interrupted him before you even told him to get off the mic. If you have a time limit, everyone feels they have the same amount of time to talk, so you don't
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have to be rude and --

MR. EMERY: I'm sorry if it was rude. I try to -- not to be rude.

MR. JENKINS: Third, he represents the 50,000 people who didn't show up today. He went out of his way to be here, he went out of his way to be here every single time, and that needs to be recognized. So if he wants to talk longer, and you don't have a set rule, you should allow him to do so. If not, whatever time he spent, everyone following him should have the same amount of time. I'm just saying we have to make sure this meeting is respectful, and inclusive of everyone if we want to have a strong CCRB.

MR. EMERY: I agree with you about that, and in that regard, with respect to what you said first, we have a very extensive and vigorous outreach program that Carlmais, who is here, runs and does 30 presentations a month on average for all over New York City, and certainly
also in this community, and therefore those are the -- that's really the forum in which the more complete picture of the CCRB and its functions, and a lot more about navigating police/community relations is communicated by that program, by the outreach program. The meeting here is really a working meeting. It's not a meeting where everything is explained.

There is a lot of talk that regrettably does go over the heads of people who aren't in the midst of the work this panel is doing, this board is doing, and by necessity, by law, we meet once a month publicly for that purpose, to do our business and pass the resolutions that we need to pass that we are not allowed to and would never pass in private because of the law.

So the process of explaining everything would bring it -- would bring us to 4 o'clock in the morning, and this is simply a working meeting to which the
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public is invited, and of course we want the public to understand as much as possible, but it is inevitable that a great deal of this, of the work we do, especially if you don't come to every meeting -- I mean Chris understands everything, everything we do and more.

    MR. JENKINS: That's precisely why I'd like to hear him speak.

    MR. EMERY: No, no, Chris Dunn, the Civil Liberties Union lawyer who comes to almost all of our meeting as well. But that's what it takes to get the pure context of what we're doing.

    But I appreciate your comment. We will be much more conscious of trying to communicate more fully the issues we're discussing.

    MR. JENKINS: May I speak a moment?

    MR. EMERY: Yeah.

    MR. PUMA: May I?

    MR. EMERY: Yeah.

    MR. PUMA: Our outreach department is in a state of really
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exciting change. We have seven vacancies, six of them are newly-funded positions. So this expansion, I think, is really going to, you know, help the agency reach more communities, and I think there will be more education in general about the CCRB, you know, with this concerted effort. And you know, I think the purpose of the monthly board meeting will then become clear, and then the purpose and other sort of topics that are affecting communities will, you know, reach this agency, and we have a lot of work to do in this area with social media and such. But you know, I'm proud, but also, you know, saddened to say that I personally fliered along Avenue D, I put up the those fliers on Avenue D. I called council persons that represent this community individually, I personally reached out to the community board. So once we have this expanded capacity -- I'm happy to do it, because this is the community I love and it's
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important to me. But you know, once we have this expanded capacity, I think we'll be able to accomplish a lot more.

MR. JENKINS: I respect that.

Thank you.

MR. EMERY: Thank you very much.

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I just want to make a couple of announcements and then we'll do the executive director's report.

Today we filed our reply brief in Staten Island in the matter of the -- our investigation of the Eric Garner case of -- the CCRB investigation has been on hold, first a DA hold from Staten Island, and then a federal hold from the Eastern District which remains in place. However, we determined that we would not be violating that hold and not be doing anything to undermine our obligation to respect the holds if we sought the grand jury minutes from the Staten Island grand jury, and we have filed a proceeding in Staten
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Island to obtain those minutes. In the initial brief, Staten Island District Attorney opposed our seeking of those minutes for the grand jury, and we filed our reply brief today.

We will put those briefs on the website.

Linda, I want to make sure they go up and we have links to them on the website, as well as the Staten District Attorney's brief and the petition -- and the original petition, the theory being, and the underlying rationale, that we complete our investigation if we have those grand jury minutes, in all likelihood, because they are the -- probably the best evidence that was gathered at that time, and it was sworn evidence as opposed to IAB evidence, which was unsworn. So our feeling is that the grand jury minutes could resolve what is necessary, at least allow us to fully evaluate the case and determine whether any other
investigative actions are necessary, and make a decision as to whether that case can go to a panel of this board for potential discipline of the officers or officer involved in the Garner case.

So that is simply something we are pursuing, and -- for public knowledge, and I think that it's worth noting here today, and also making it clear that those briefs will be available on the website hopefully tomorrow or the next day.

The other just quick announcement, and this is to some extent inside baseball, and I'm sorry for this, but it's a question that this board has to resolve for itself in terms of its internal procedures. We have a process called truncations of cases. Certain cases that are originally the function of complaints to the CCRB are what we call truncated, ended short of a full investigation, and that happens primarily for two reasons. One is the
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complainant becomes uncooperative or no longer interested in pursuing the complaint, and we pursue that complainant under a protocol of numerous contacts, and then if there's still no desire to move forward with the complaint, it's considered truncated. And then we also have a form of truncation which is when we have a complaint where officers, after a very thorough investigation can't be identified, if the officers can't be identified, essentially the case can't be proven, and then it therefore is in its own area of truncation, officer unidentified. So the -- what the practice of this board has been is to have the board look at all those truncations in the past. More recently, and in these rules, we are putting truncations in the category of cases that can be resolved internally by staff, however, I do believe that what seems to me to be most effective -- and this is what I want to open up to the
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board -- just for a short -- for as long
a discussion as we need, that there's a
difference between these two categories
of truncations. I think the officer
unidentified starts to very much merge
into the actual investigations, and the
outcomes of investigations, and that
those cases are more appropriate and
absolutely appropriate for the panel to
view, and should not be done by staff.

On the victim uncooperative
cases, what I think happens is that in
fact the staff does a better job than we
do of making sure that the protocols of
contacts with the potential complainant
are followed more vigorously and
rigorously than the board does, and so
my recommendation is that we follow the
current practice, that is, as a
practical matter, is taking place, as I
see it, in the cases that are provided
to us and the closing reports that are
provided to us that have truncations
that are from victim uncooperative
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handled by staff, and with serious audits, and making sure that the protocol for contacting complainants is followed rigorously.

And the cases that end up being truncated as a result of officer unidentified, which come to us with investigations that recommend a result of officer unidentified, that those still remain and come before the board, because those cases merge so integrally with the actual investigation. So that's what I'm putting out there for discussion, and whether anybody disagrees with that or whether we should just continue with it the way we're going now -- any comments? Any thoughts?

MR. TAYLOR: The way it is now, the staff resolves that silo of truncation with it victims uncooperative?

MR EMERY: That's correct.

MR. TAYLOR: And there's been
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several attempts and whatnot?

MR. EMERY: Yeah.

SPEAKER: Speak up.

MR. TAYLOR: I'm sorry. I think that already we allow staff to deal with truncated cases where victims are or complainants are uncooperative. Right?

MR. EMERY: That's correct.

MR. TAYLOR: So the second level of truncation that was just discussed was officers being unidentified. You're suggesting that we continue to vet those cases?

MR. EMERY: Yeah.

MR. TAYLOR: Because they lead into the case being, you know, subs -- what specifically are you saying?

MR. EMERY: The theory that I -- I think mandates us to continue to look at those as panels is that the whole process of attempting to identify the officer is integral with the actual investigation.
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MR. TAYLOR: Gotcha. Right.

MR. EMERY: And so it makes sense for us to be looking at those to make sure that all the methods of determining whether the officer -- who the officer is have been exhausted and when they are -- 'cause they're often, as you probably all have seen, there are often cases where some officers or witness officers are identified and --

MR. TAYLOR: Right.

MR. EMERY: -- other officers that may be the officers responsible for misconduct, which clearly occurred are not identified.

MR. TAYLOR: Right.

MR. EMERY: So you have this real problem, you know, there's been misconduct or you believe there's been misconduct, and you can't identify the officer, so it seems to me those are cases that we should be looking at before we find that officer unidentified is the right outcome.
MR. TAYLOR: Just as a frame of reference for people that are not as familiar. Can you give people an idea what percentage victim uncoop or complainant uncoop versus officer unidentified -- in terms of a percentage -- the majority of our cases with officers unidentified is 30/40 percent.

MR. EMERY: Well, we have truncations, the total truncations -- and Marcos, you can help me here. The total truncations are close to 50 percent in both categories, right? But how you break down those two categories -- do you know off the top of your head, Marcos? Officer unidentified is, in fact, a full investigation, is it not? How do we characterize that?

MR. SOLER: If you look at the board package, there's a table that tells you how --

MR. EMERY: Here. You want to look at the board package? Why don't you --
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Marcos, can you go to the microphone?

MR. SOLER: Yes.

SPEAKER: Can you tell us what your referencing as well?

MR. SOLER: In there, if you look, there's a table, case disposition, CCRB disposition of cases, that tells you which are the full investigations right now.

MR. EMERY: Do you know where?

MR. SOLER: You would see in this particular table. Page 9 --

MR. EMERY: Do you know what page it is on or -- is it in the executive director's report?

MR. SOLER: It's in the executive director's report. Right after complaints per month, you have there complaints per 10,000 residents and then complaints by borough, then you have CCRB disposition of cases.

MR. EMERY: Why don't you tell us --

MR. SOLER: Yes.
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MR. EMERY: -- the answer to the question?

MR. SOLER: Yes. So let me -- there are -- so there are of course substantiation, exonerations, unfounded -- and unsubstantiated.

MR. EMERY: Wait. You have to be -- he can't understand you.

MR. SOLER: Sorry. I said substantiation, exonerations unfounded and unsubstantiated are full investigations. But also right now miscellaneous and the department employee unidentified, which is the categorization for officer unidentified.

MR. EMERY: Yeah.

MR. SOLER: Those are full investigations. The category right now, we indicate all our case dispositions, which traditionally have been part of the truncation rate, but the new categorization is other type of case dispositions are complaint withdrawn --

MR. EMERY: Sorry. Complaint? Say
Proceedings

again. Complaint?

MR. SOLER: Complaint withdrawn.

MR. EMERY: Complaint withdrawn.

MR. SOLER: Which are those cases in which civilian actively decides to withdraw the complaint. You have complainant uncooperative, which are those cases in which after we have made contact with the civilian, that's where we have identified the civilian and have initiated contact with the civilian; the civilian decides not to cooperate with us.

They have either the complainant, the victim, or in some instances the witness. We have a situation also, a complainant a victim, a witness which is unavailable. Which is we try to identify the person, but we are never unable to make contact either because the information we have is faulty or insufficient. Bottom line is we never made contact. That's what unavailable is.

Finally we have two other
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categories, victim unidentified, which is when somebody files a complaint on behalf of somebody else but we are never able to identify the victim, and then cases closed administratively. Administratively closed cases, which is a new category that the board created recently, which identifies those situations in which a -- case is referred to us from the police department with very limited information, and we don't have enough to pursue it because we don't really know whether the victim tried to file a complaint in the first place. Those are the various categories of truncation that we have.

So the traditional truncation rate is part of what we call other case dispositions. Right now the resolution rate is 57 percent cases fully investigated and mediated, and the old fashioned truncation rate is 43 percent, and executive director's going to talk to you about that.
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MR. EMERY: That's very helpful.

MR. CAPERS: So can I?

MR. EMERY: Yes, please.

MR. CAPERS: So if I can go back to -- Richard, as I understand your proposal, you're suggesting that the panel would review cases where the officers are unidentified. Can I make a friendly amendment?

MR. EMERY: Sure.

MR. CAPERS: It seems we can try that out for several months to see how it works.

MR. EMERY: Well, we have been.

MR. CAPERS: We can keep trying it out.

MR. EMERY: Yeah.

MR. CAPERS: Is there any reason not to?

MR. EMERY: I see no reason. I think it's been working well the way it is. At first when I saw officer unidentified cases coming in on my panel, I said: Why are we doing this?
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Then it became clear after reading a number of them, it became clear why we were doing it, and that's the way we should do it in my view.

MR. CAPERS: Basically the status quo.

MR. EMERY: Yes.

MR. CAPERS: Okay.

MR. EMERY: But I just wanted to raise it, because there had been some discussion in the past and it's not without some sense of interest. It used to be all truncations were looked at by the board and it seemed to me that that was a terrible waste of time. All right. The executive director's report.

MS. MALIK: Good evening, ladies and gentlemen. My name is Mina Malik and I'm the Executive Director of the Civilian Complaint Review Board, and I want to thank both the Lower East Side Girls Club and council member Rosie Mendez and her staff as well as commission Joseph Puma for assisting us
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in being here tonight I will first provide you with a highlight from our monthly statistical report, and then move to other matters pertaining to the agency operations. And for a full review of our agency's monthly statistics, I would like to direct you to our website.

As Mayor de Blasio stated in his June 2nd press conference, civilian complaints against the police have decreased by 25 percent this year. From January through May of 2015, the CCRB received 1,668 complaints as compared to 2,215 for the same time period last year in 2014. By category of allegation, force complaints have decreased by 30 percent, offensive language complaints by 35 percent, and abuse of authority complaints by 25 percent. During the first half of last year, the CCRB received an average of 450 complaints. That number decreased to 346 complaints per month in
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the second half of 2014 and fell again
to 334 complaints per month in the first
five months of this year.

There's also important news to
share about our docket and case
processing times. In December of last
year we implemented a strategy which was
designed to further reduce both the
number of old cases in the agency in
our open docket and the average time to
complete our investigation. We are
achieving the targets that we have set
forth. The number of cases in the open
docket of the investigations division
continues to be smaller than at any
point in the last decade. A year ago,
in May of 2014, the open docket of the
investigations was 1,964 cases, the
open docket in May of 2015 was
758 cases. This is a 61 percent
reduction.

In recent months we focused
particularly on cases that were
12 months or older in order to minimize

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the number of cases approaching the
statute of limitations and the backlog
in our agency. At the end of May there
was only one case that was nineteen
months or older, three cases that were
fifteen to eighteen months old, and
24 cases that were twelve to fourteen
months old. The executive staff and I
have been making those cases a high
priority. Only four percent of all
cases currently being investigated are
twelve months or older, and
approximately 70 percent of cases in the
open docket of the investigations
division are four months and younger.
By the end of May there were 729 cases
pending board and/or executive staff
review, or 45 percent of the open
docket, which is the reason the agency's
open docket has increased from 1,572
cases in April of 2015 to 1,604 cases
by the end of May. Of the 729 cases
pending board and/or review, 303 cases
were truncated cases that are pending
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There are strong signs we have reached some of the benchmarks set forth for ourselves a few months ago in terms of timeliness. We have reviewed productivity of the Investigations Division from January to May of this year and continue to find that investigators under the new pod or smaller team structure we're able to close cases in less than half the time that it took Investigations to close cases under the former larger team structure. The new pod structure submitted cases for review in an average of 135 days, while the old team structure did so in 284 days. Those numbers include cases filed prior to and in this year, 2015.

More importantly, since we have implemented the new pod structure, we have closed 250 cases filed in an average of 69 days. This is a 75 percent reduction, compared to the average time it took to conduct an investigation in this agency a
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year ago.

There are also other statistics showing that the new pod structure is far more effective than the former larger team structure. The number of days it takes to interview a complainant has drastically increased -- decreased from 31 days in the first half of 2014 to 11 days in 2015. The number of days it takes to interview an officer has also decreased from over 200 days in 2014 to 45 days year-to-date in 2015.

I want to also highlight for you statistics related to the disposition of our cases. The case resolution rate is 57 percent year-to-date, and conversely the truncation rate is 43 percent. Year-to-date, the board has substantiated 20 percent of all investigations, which is slightly higher than data from the same period last year when the board substantiated 17 percent of the cases that it fully investigated.

In year-to-date 2015 the CCRB
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has resolved 158 cases through the mediation process up from 131 cases in the same time period of 2014, which reflects a 20 percent increase. Year-to-date, the percentage of cases referred to the administration of prosecution unit is 24 percent of all substantiated cases, which is down from 61 percent during the same period, from 2014.

Our Administrative Prosecution Unit has conducted 16 trials in May, which is actually the highest number of trials that the APU has ever done in a single month since its inception about two years ago, and from January through April of 2015, the discipline rate was nine percent for cases handled by the police department advocate office, and the discipline rate for cases handled by our internal APU was 62 percent.

MR. EMERY: Thanks.

MR. PUMA: Might I add something?

MR. EMERY: Yes. Comments.

MR. PUMA: Just -- thank you for
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your report, Mina.

Just for community members who might be interested -- I don't want to sort of drone off with a bunch of statistics, but I do have statistics that I pulled from our website about the number of complaints, and the categories they're in the particular precincts that cover this neighborhood. I did not do any specific, like, statistical analysis, but just kind of looking at these numbers, they seem to be on pace with the numbers from last year. But since we're halfway through the year, it looks like we're -- we -- those numbers are basically half of last year's, more or less, but I did have a question for Marcos about those numbers. Are the PSA numbers included in the precinct breakdowns on the website or are those just a separate --

MR. SOLER: The numbers that we have -- that we have on the maps on our website, are by location of the precinct
of occurrence. If you want or the
community wants specific commands of
assignment of the officers, we provide
those numbers on a monthly basis also to
the police department and we'll be happy
to provide them to the community. So PSA
numbers are separated from precinct
numbers, also separated from narcotics,
separated from detectives and different
specialized bureaus. But certainly
we are happy to provide the board
with that information from now on
if the board wants to see it on a
monthly basis.

MR. PUMA: Thank you.

MR. EMERY: So now we have
committee reports briefly. We have --
Janette, do you have anything to report?

MS. CORTES-GOMEZ: With respect to
mediation, nothing to report, I believe
Mina included something in her report.

With respect to the training
subcommittee, we had a very productive
and fruitful meeting on -- I believe it
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was May 29th with the -- and I'm going
to cheat here -- Assistant Deputy
Commissioner and General Counsel for
NYPD, Nancy Hoppock, I hope I am
pronouncing it correctly. That's
H-O-P-P-O-C-K for those writing it
down. And we've determined that we're
going to have training for our
investigators, as well as the
commissioners with respect to what the
NYPD officers and the new class are
having. This will be in July, and in
August, and I believe it is going to be
six weeks. So I'm excited about that.
Essentially our investigators are going
to know how the police officers are
being trained, what is it that they're
being told to do, what not to do, so
that our investigators could know: Okay,
they did this because that's how they're
trained versus they did this, they're
trained not to.
So just another way that we're hoping to
improve our investigations, our agency,
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separate and apart from NYPD, but we need a little bit of collaboration with NYPD, obviously. And this is just one of the many different training programs that we're looking forward to.

We've had discussions for at least the last six months, I would say, and different ideas. It's just a matter of actually getting it done because we want our investigators to be focused on their investigations, on speaking to people, to carve out time for training, which we are going to be implementing more and more, but this is just one step in a good direction.

MR. EMERY: Good. Any other -- Bishop, you have anything on your committee report?

MR. TAYLOR: Yes. So on the outreach committee, we have Lindsey Eason, myself, Janette Cortes-Gomez, staff Brian Connell, and Carlmais Johnson.

MR. PUMA: Forgot me.
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MR. TAYLOR: And Joseph Puma. I'm sorry, Joe. Joe. Joe's hosting us tonight, can't forget Joe.

We have a very active committee. We meet once a month, first of the month, and outreach is always very active.

And if you want to see the detailed report, you can see it on the website. But, year-to-date we've done 112 presentations, 16 of those presentations completed in May. We have six outreach positions that are open that we're interviewing for. We had 148 applicants since the posting on May 21st with interviews to be scheduled shortly.

One of our objectives, of course, is to continue to have our meetings accessible to the public, and having them in places where people can access those meetings and during unconventional hours so that people can attend the meetings. So we're grateful to the Lower East Side Girls Club for opening up the doors, and after we had our food
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this evening, I made a recommendation

to some of the board members that we

skip next month's meeting and come back

here again, but I'm sure we won't be

able to do that.

So in July we'll be in Staten

Island at the Central Family Life Center,

and then in August we're going to be at a

location, another location in Queens,

southeast Queens. So outreach is very --

like the chair said earlier, we're very

aggressive. We're a staff of one, a

team of four or five, but Carlmais does

an awesome job with the volunteers and

other team members, really trying to

undertake the work of outreach, and in a

short while we'll be fully staffed and

release some other exciting things as

well.

MR. EMERY: Two more little things

that I have on my agenda, and then --

anyone else?

Sorry. Yes?

MR. BLASCO: Hi. I'm John
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Blasco, I work for New York City Councilmember --

MR. EMERY: Yeah. Why don't you come up and stand at the microphone?

MR. BLASCO: Sure. I am John Blasco, I work for New York City Councilmember Rosie Mendez of this district. Thank you all for being here.

MR. EMERY: Thank you.

MR. BLASCO: Thank the community folks for being here. One of the things Marquis had brought up earlier -- I think I was even sitting here and wondering: What's going on? What's all the language?

I wonder if the CCRB would be open to maybe having a follow up, coming back to the neighborhood for maybe facilitating an info session on the purpose of the CCRB, what they handle, what the residents can come and talk to you about?

MR. EMERY: I think that's a great idea, and Joe will arrange it.
MR. TAYLOR: I want to say Mr. Chair, that's like music to our ears.

MR. EMERY: Yes.

MR. TAYLOR: Usually we're pursuing venues. Now you're pursuing. It's done. Consider it done.

MR. BLASCO: Yeah, because I'm sure the councilwoman would love to work with you, and have that happen. I know Joseph has been really great in outreaching the neighborhood and reaching to our office to try to get residents here.

One of the concerns we do have, and the councilwoman has, and she talks about it in all of whatever agency is coming to present, is translation. Right?

So talking about when we're doing outreach, how we are reaching out to the Spanish speakers? How are we reaching out to the Chinese speakers? Because we have a huge Spanish and Chinese
population in the lower east side. So I think that's one thing, not just for the lower east side, but to think about New York City, as we think about how we're trying to get community folks out and about, and how we have the interpretation actually here, and if we do have investigators here, then maybe we should have Spanish and Chinese investigators here as well.

And I just had a question about, you were talking about the outreach report. What do the presentations cover?

MR. TAYLOR: You know what I want to do? I want you to get a real comprehensive feel for it. Is Carlmais still here?

MS. CORTES-GOMEZ: She's outside.

MR. TAYLOR: Can we just summon her? Because she would be very excited about talking to you about what the presentations cover.

MR. BLASCO: Thank you.

MR. TAYLOR: If we can get her
MR. BLASCO: And the other thing is in New York City we have a lot of young people who have various interactions with the NYPD.

MR. EMERY: That's very much what the outreach programs are about.

MR. BLASCO: Yeah. And I think the CCRB is -- I was trying to tweet to reach out to young people through the councilwoman's office, and I was like: What is the CCRB's Twitter or something? And I don't think you all have one, but trying to think about the different ways you're interacting and whether it's just knocking on people's doors or social media is important as well.

MR. TAYLOR: Can you do a favor and re-present your question? I'm sorry.

MR. EMERY: I was just going to say, Carlmais, maybe you can just take the microphone and explain in a brief way what comprises your presentations when
you go out into the community?

MR. EASON: Especially about the youth ambassadors.

SPEAKER: Youth what?

MR. EASON: Youth ambassadors --
oh.

MS. JOHNSON: Good evening, my name is Carlmais Johnson, and I'm actually the manager of community outreach, I've worked at the Civilian Complaint Review Board since 2004 as an investigator and supervised investigations, and as of last year I moved over to outreach.

What we do in outreach is we actually try to fulfill the mission of the agency. One of it is actually to inform the public about what we do, what their rights are when they have encounters with civilians -- so as part of outreach, we actually go out into the public and give presentations about what we do. These presentations are very comprehensive, they are about 45 minutes
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long, and they start out talking about
the Civilian Complaint Review Board, where
we get our authority to investigate
misconduct.

We also talk about what civilian
rights will we investigate, what civilian
rights are during a police encounter, and
what their responsibilities are during that
encounter. And we also talk a lot about
the concept of deescalation. A lot of
the presentations that we give are
presentations we're actually giving in
schools to the youth either in high
school or in middle school.

So one of the things that we try
to focus on is the tool of deescalation.
We also give statistics about our
agency. For example, where our
complaints are coming in from, and take
any questions that the audience wants.
We also do tablings where we go out to
fairs. For example, NYCHA, they
frequently have family days for the
residents, so we'll go to events like
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that to share information we have, and
answer questions the public might have
about our agency. We also have a program
called the CCRB youth ambassador
program, and in that program we're
actually working with youth in a program
called Urban Upbound in Queens, and
what we do is we take them and we train
them to be able to give a CCRB
presentation, and then during the course
of the summer, we go around to different
other youth groups, a lot of times it's
summer youth employment or a similar
program, and we actually do peer to peer
presentations, so the students are
giving presentations to other students
in their same age group in the idea that
it will actually be more approachable.
And then in the same way we talk about
the same issues, cover deescalation, what
to do if you're in a police encounter,
they have a negative experience with
the police.

MR. EMERY: Thank you, Carlmais.
Another question?

MR. JENKINS: Yeah. I'm sorry. I do.

MR. EMERY: Marquis, yeah, go ahead.

No, I'm sorry, go ahead.

MR. JENKINS: Yes. My question is about outreach and the thought of how you do your targeted outreach. Is there anything specific or do you try to hit every borough, every fair?

MS. JOHNSON: It's actually a little of both. If you look at, for example, the list we have that's in there, one of our goals is to have a presence in all of the city's different precincts. We also at the same time try to focus on the areas where we receive a lot of complaints, and then also some areas where we don't receive complaints at all, and maybe think that there might be people in the community that don't know about us.

We also respond to requests from
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groups. We try to go out to a lot of meetings, precinct meetings, community board meetings, things like that, PTA meetings, to get our name out and also to introduce ourselves to other organizations that might be interested in having us come and speak to them.

One of the things I also do is I go through and scour the news, scour any information that I can to find for any groups that might be interested in hearing from us, even if they don't yet know about us.

MR. JENKINS: Is there any particular reason why the outreach data on this report is not in the Bronx? Because I would assume that the Bronx is probably a high impact area, and if I'm reading this right, you have nine percent in the Bronx, 29 in Brooklyn, 30 in Manhattan, Queens 30, and Staten Island one percent. So can you explain why there's only nine percent in the Bronx from the month of May?
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MR. JOHNSON: I don't know if there's any specific reason for that. It's probably a reflection of the requests we've had coming in, and maybe some of the other projects that we have to do.

MR. JENKINS: Okay.

MR. EMERY: Sir, you want to speak?

MR. TORRES: Yeah. Really quick. Thank you for coming out here today. Real quick. I'm Ernesto Torres, I've been living in the area for about seven years.

MR. EMERY: Thanks Carlmais.

MR. TORRES: I'm a community activist. I'm a graduate of the civilian police academy. I'm also a graduate of the FBI civilian academy as well. Just a real quick comment about outreach. I'm hearing a lot about Twitter accounts and computers, but a lot of the people in this community don't have access to the computers. So how do you guys reach them? Because I
know in -- you know -- where we live, a lot of people, a lot of the older people don't have access to computers. So I know a lot of information is on your website, but maybe you're not reaching everybody that you could be reaching. So I just wanted to, you know, put that out there, you know, if you're planning -- or maybe you're ready to do something with this, but I thought it was something I should mention because Marquis talked about transparency, but you know, if you're not reaching everybody in the community, then you know: How transparent are you? So I just wanted to put that out there.

MR. EMERY: Thank you.

MR. TORRES: Thank you.

MS. CORTES-GOMEZ: Just so that you know what Carlmais just indicated, we go to several different places where adults can go who aren't tech savvy, if you will. We go to learning centers, high schools, colleges, Bronx Family
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Court, they were just recently. So they are out there. Now how do you get the information? That, perhaps we need to improve on getting the information to you in a timely manner, but we are definitely pushing for information to go out to all communities.

MR. TORRES: Thank you.

MR. TAYLOR: Also --

MR. EMERY: Yeah, Bishop, sure.

MR. TAYLOR: I just want to add for the last six-and-a-half years or seven years, we -- maybe about five and a half years, we've been employing a lot of the conventional means to get the word out to people, fliers, in person conversation, and it's just been the last couple of years, year-and-a-half, we've been pressing social media. So I don't want you to think we're saying yeah, go to the website. No, this is just another tool we've actually incorporated into our plan.

MR. JOHNSON: Actually, can I add
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one more thing?

MR. EMERY: Yes.

MR. EASON: This would also be an opportunity to increase our army, by this gentleman here, and the gentleman that spoke in the back, to get their input on how to reach more individuals.

MR. JENKINS: That would be my honor.

MS. JOHNSON: And I would just like to point out actually if you look at our outreach efforts over the past couple years, we've improved dramatically. I started this position in 2013. The year before that, I think we had only done under a hundred presentations, and then in 2013 when I took over, we did over 300 presentations last year, and we're on track to do the same number. We're also hoping -- right now there's only one person in the unit, and that's me, but we did get funding to actually hire additional outreach coordinators, so that's something we
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should be doing in the next couple of weeks as we move forward.

MR. EMERY: Yes.

MS. HUFF: Good evening, Therese Huff, TA president of Campos Plaza. I think this booklet right here is a perfect outreach. You guys can give us this in all languages, you can drop it off or mail it to 205 Avenue C, Apartment 8F, which is my address.

MR. EMERY: Thank you.

MS. HUFF: And I will make sure -- 10009, New York, New York 1009, and I'll make sure my tenants will get it. This is a perfect outreach.

MR. EMERY: Thank you. Thank you. Yes?

MS. CHAVEZ: My name is Adrian Chavez, and I'm a resident of the lower east side since 1979, and a partner of Ernesto Torres. We live in Masaryk Towers, and I'm also a graduate of the civilian police academy 1998, which was only five years after it was begun, and
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a member of my community council for
20 years, which I just now stopped in
the last year attending for very
specific reasons.

And I personally know
Commissioner Joseph Puma, which is how I
was invited to tonight's meeting, so I'm
grateful you all decided to come here to
the lower east side for the first time,
and frankly this the very first time
I've ever been invited to any meeting of
any CCRB. I was not a fan of the CCRB
for many, many years, because I did not
feel that it was an agency that was
responsive to the community's needs, and
it seemed to me to be very political and
to be under the thumb of the police
commissioner, and the mayor, and that
the people did not even know what the
CCRB was or what your mission was, or
that you were even supposed to be on the
-- let's not say the side of the public,
but that you in a sense are supposed to
be an advocate for those people who
find themselves on the wrong end of the few in our NYPD who abuse their position, their power, and their responsibilities.

So I am very grateful that we now have a new leader in you, Mr. Emery. You seem to be as respectful as I've ever seen any chair in any meeting, even though I understand what Marquis was saying about the gentleman in the back, and I recognize that it seems to me that this is an accessible and open process so far.

So I am grateful for that. All of the things that I have to say are way too many for this venue, so I would really say to all of you that hopefully Commissioner Puma will give you my information, contact information, and we will be able to speak personally because I think that the values of my experience, and my knowledge, and my community advocacy work -- and I'm very well-known in this community, far and
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wide beyond even New York, could be a very big help to the CCRB in its capacities. Just suffices to say I'm a native New Yorker, and I was born in Brooklyn, but I'm an orphan so I was moved all around creation, and when I grew up in Washington Heights, in the 32nd, 33rd Precinct, I was on the wrong end of six officers' revolvers within an inch of my life. Not because of anything I did, but because of who I was with, and that person didn't do anything either.

So I have been on the wrong end of many situations with police, and it's taken my entire life to come from a position of hatred of authority, and you know, despair of ever really feeling like I was a person who deserved anybody's respect, to where I am now, which is an open minded person who gives the benefit of the doubt to every party involved in any kind of dispute.

And it's been a very long road
for me personally, and as well as my capacity in advocacy work. So one thing I would say, especially to the young lady who spoke earlier, very rapidly for my deafness, it was very hard to understand you, but thank you for your presentation, is that when you're doing outreach to the community, whether it's to the young people, the middle aged like me, or older people, in all different languages, all different faiths or non-faiths, and all different cultures, people that come from nations that are under the oppression of, you know, all kinds of nonsense, you really have to understand that all of the complaints that you're receiving probably scratch the surface.

People are in fear for their lives. Okay? And I know that you must know this some deep down inside place, but it probably is the elephant in the room that nobody talks about. People are in fear for their lives when it
Proceedings comes to authority in this city and in this country, unfortunately. And when they come forward, there's a whole set of circumstances beyond just the community, but also their own families, that don't support what they're doing. So I implore you to recognize that all the statistics, these mounds of paper that you've given us, which I am very much appreciative of, I'm going to study everything, I promise you that does not even begin to tell you, any one of us, the whole story of what is going on, block by block in this city, let alone this country, when it comes to police and community. And I say that as a person who has many family members in Law Department. I have a brother who was a firefighter here in the FDNY for 32 years. So believe me when I tell you, your work is dire, is necessary, is much desperately needed in neighborhoods like mine here on the lower east side, and across this town, especially in the
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the Bronx and in Brooklyn, which really has severe problems. And places in Staten Island, which are beyond God's help, I think.

And I don't mean to be, you know, disrespectful about that, but we've seen what's happened in all these cases, and it's just unbelievable. So I just want to end by saying that, you know, if there's anything I can possibly do to help with your outreach, and to help with reaching out to -- to communities of color especially, and to people who are homeless especially, you know, I can do that to help you. And I implore you to recognize also something that I have been speaking to our council member in the past about, and to nonprofit organizations local here, which is that community councils -- which I was a member and worked very hard for 20 years, by and large, do not reflect their neighborhoods, do not reflect their precincts, they are little fiefdoms run
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by very political people who have essentially locked out huge segments of their population to whom they're supposed to be representing, and they have the ear of their COs and their administrations, and their precincts.

And if the mayor, and if the administration, and if your agency really wants to get to the bottom of police-community relations, and how to improve that, you have to take a very hard look at the local community councils with the housing police, as well as the NYPD, because there is a lot going on there that's not supposed to be happening, and it is not reflective of our communities. Thank you very much.

MR. EMERY: Thank you. Just a couple of little notes, and then I think we can adjourn.

Just there are a couple of things I had wanted to talk about with the board in terms of panel practices.

I have recently found it very
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rewarding, when I was reading cases, and
had questions about the investigation
and closing reports, to do what I call
pre-panel FIs, pre-panel further
information requests, so that at the
moment when that question comes up in
your mind, you're reading the case, you
send a e-mail to the investigator, the
supervisor, copy Mina, copy Tom and John
Darche now, who is in a period of
transition there, and your fellow panel
members, because your fellow panel
members may well have the questions you
do, and ask the question right then.

And the staff has been terrific
at responding to those questions
immediately, so that all those questions
that are outstanding can be resolved at
the time of the decision making when
you're meeting with fellow panel members
rather than have the questions come up
during the panel, and then have to ask
for an FI or reconvening the panel
and/or having to come to one of these
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meetings and then having to do it after the meeting at the executive session. I think it is proficient and it gets the questions when they're fresh in your mind so I would encourage you to do what I call pre-panel FIs, and they're obviously totally up to you, but it seems to me that we have to have a productive procedure to resolve cases quickly and with the best facts in mind.

The second thing I want to say, unless there are comments about that, the second thing I wanted to say and then we can adjourn, is we as a sanction, when we sub a case, I think that as a general proposition now, Debbie and I talked about this a little bit at the last thing, and Bishop Taylor, we are recommending, we did in this last panel, and we have in other panels I've been on, recommending formalized training regardless of whether there is another form of discipline, even if it's a CDB or CDA,
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we are also adding formalized training. And there's no problem with that. You can do both. Formalized training in and of itself is obviously an appropriate response to certain types of substantiations, but when it's more serious substantiation, the officer shouldn't be deprived of formalized training just because the officer is being -- having a CDA or B imposed. So I would recommend to you that we adopt almost as a routine, unless there's some reason not to -- may be some cases formalized training wouldn't have any purpose, but in general it always has a purpose.

MR. CAPERS: It sounds like a good idea. One thing I'm wondering is: Do we know how the NYPD has been responding when we give both a CDA and formalized training? Do they use that as an excuse to not give the cop discipline?

MR. EMERY: No. We have not found that to be the case, and we should all
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be alert to that. I agree with you.
But formalized training should go along
in my view, and I think they want this.
I think they more than ever want to do
formalized training, and it does not
negate a more serious penalty in the
more serious case. Yeah.

MR. PUMA: That sounds great. And
I agree. I guess just from more of an
IT question, I just find that with the
software application we use --

MR. EMERY: You're absolutely
right.

MR. PUMA: -- you have to pick one
or the other, is that being fixed?

MR. EMERY: No. Yes, it's not
being fixed because the software
apparently -- he's here and maybe he can
answer -- but the software doesn't allow
it, but Nina will do this by putting a
notation in every voting sheet and every
memo that goes to the police
commissioner and DAO that formalized
training and whatever other penalty is
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recommended are both in the record.

MR. TAYLOR: Are you recommending
that the formalized training be a part
of every disposition or every sub?

MR. EMERY: Every sub, every sub, unless there's a compelling reason not.

MR. TAYLOR: So if there's a penalty of discipline or charges, you're saying automatically that officer should be --

MR. EMERY: Well charges, it's -- you know -- something, it's really as you raised this, it's probably not a charges situation.

MR. TAYLOR: Okay. Okay.

MR. EMERY: That can come out of the charges in the disposition of the charges, because obviously charges is either pled or there's a trial.

MR. TAYLOR: Okay.

MR. EMERY: So I think we're talking about command discipline.

MR. TAYLOR: In a situation where there's no command discipline, you can
still use formalized training as a penalty.

MR. EMERY: Formalized training is a sanction as a result of a sub, and it goes on the record, and it is a serious matter as Debbie will tell you, maybe Sal and Lindsay will also confirm. It goes on your record. It's a serious matter put on your record by those who do assignments and those who do evaluations.

Formalized training is a very real form of personnel discipline. Obviously it's not as significant as a CDA or B, or charges.

MR. TAYLOR: So in times past, we did not refer to that particular level of penalty as formalized training, it was just considered a training?

MR. EMERY: Or instructions.

MR. TAYLOR: I'm sorry.

Instructions.

MR. EMERY: Right.

MR. TAYLOR: Which essentially was a precinct conversation from commanding
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officer to the officer?

MR. EMERY: Any that's no longer.
The police department, to its credit,
and I think in guidance to us, is saying
as -- I think all of us would
acknowledge that a discussion with your
commanding officer is a lot less
impactful, if you will, bad word, but
it has a lot less impact than being sent
to the police academy for an entire day
to do formalized training. In my view,
I would never recommend instructions
anymore. I would only recommend
formalized training if training is the
appropriate response.

MR. TAYLOR: Okay.

MR. EMERY: Just trying to get us
all on the same page.

MR. CAPERS: Are you suggesting
that the panel discuss formalized
training, or can we just have a standing
order that every time there's a command
discipline A or command discipline B,
formalized training will be added? That
way we don't have to discuss it every report?

MR. EMERY: I think we should --
MS. ZOLAND: I don't think it should be standard. There are certain actions of police officers that frankly no amount of training is really going to help. Especially the offensive language situations. The command discipline will give them the message. It's not a full day of training. You can say -- you can get them to say don't say that, don't do that. But if it's a stop, if it's a frisk, if it's search where there is something to train in addition to the penalty of taking days away, they can still go out and make a bad stop because they didn't learn anything. So I don't think it should be automatic, I think it should be specific.

MR. CAPERS: So we should lean more towards formalized training.

MR. EMERY: Yes.

MR. EASON: I agree with the
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concept. I don't think it should be standard operating procedure for every case.

MR EMERY: Right.

MR. EASON: Because if an officer's behavior and pattern falls into a certain category, he's going to hit one of -- on Marcos's radar, and he or she is going to be retrained anyway. I think if it's brought up by the panel and the panel agrees with formalized training in addition to the official penalty, I think it's acceptable, fine, I think it's fine, but to make it standard operating procedure across the board, I agree that I don't think that's the way to go.

MR. EMERY: I wasn't trying to

MR. CARCATERRA: I also agree with Lindsay and Debbie. It has to be case specific, and like Debbie said, there are many times training just for the sake of training will not do anything. That said, when training is necessary, I think the ultimate goal is if there is a
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Civilian complaint, everybody in this room understands what the CCRB is supposed to do. You get a fair shake, investigated fairly, impartially, and everybody gets the outcome they want.

What's the outcome we really want? We want to not to have anymore civilian complaints. So that training, the end result of that training should be the behavior should change, and that's why we're really doing the training, and it's case specific, and I think it's very important to look at.

MR. EMERY: You know, they also -- for instance, I can just imagine a 25-year person is different from a training has a real role to play with a three-year person and probably much less of a role with a sergeant or patrol person who has been on patrol for 20 years.

SPEAKER: Don't assume that.

Don't assume that.

MR EMERY: There are a lot of
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factors to take into account.

SPEAKER: It could change some people, a -- suddenly a light can go off. You know, never know, we live and hope.

MR. EMERY: Hopefully a light will go off. I have nothing further. Any comments? Any thoughts before we adjourn to Executive Session?

Motion to adjourn to Executive Session?

MR. CAPERS: I'll move.

MS. ZOLAND: Second.

MR. EMERY: All in favor?

(Ayes, adopted.)

Let's take a minute.

(No response.)

(TIME NOTED: 8:35 p.m.)
CERTIFICATE

I, Christoper Day, a machine shorthand reporter and Notary Public within and for the State of New York do certify that:

The foregoing transcript is a true and accurate transcription of the stenographic notes taken by me of the proceeding, that I was actually present at the proceeding, and that such notes have been transcribed accurately and without prejudice for or against parties or organizations.

IN WITNESS WHEREOF, I have set my hand this 24th day of June, 2015.

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