CIVILIAN COMPLAINT REVIEW BOARD
PUBLIC MEETING
October 14, 2015
6:30 p.m

Bronx Museum of the Arts,
1040 Grand Concourse
Bronx, New York

TRANSCRIPT OF AUDIO RECORDING

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

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PUBLIC MEETING AGENDA:

1. Call to Order
2. Adoption of Minutes
3. Report from the Chair
   * Board Panel -- Case Resolution Times
   * Update on Rules
PUBLIC MEETING AGENDA (Continued)

5. Report from the Executive Director
   * Monthly Report

6. Committee Reports
   * Mediation
   * Outreach

7. Resolution: Dual Penalties for NYPD Misconduct

8. Resolution: NYPD Use of Cameras for Home Entries

9. Resolution: NYPD Installation of Cameras at Precinct Stations

10. Resolution: Procedure for Reopening Cases

11. Resolution: Updating CTS Allegations

12. Old Business

13. New Business
BOARD MEMBERS PRESENT:

Richard D. Emery, Esq., Chairperson
I. Bennett Caper, Commissioner
Lindsay Eason, Commissioner
Salvatore F. Carcaterra, Commissioner
Bishop Mitchell G. Taylor, Commissioner
Janette Cortes-Gomez, Esq. Commissioner
Youngkik Yoon, Esq., Commissioner
Joseph Puma, Commissioner

Mina Q. Malik, Esq., Executive Director
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CHAIR EMERY: I guess the first thing is adoption of the minutes. Do we have a motion? A motion for the minutes?

Mr. CARCATERRA: Yes.

CHAIR EMERY: O.K. I need... All in favor? Ayes?

(Chorus of ayes.)

CHAIR EMERY: Any opposed?

(No response.)

CHAIR EMERY: I want to wait for Bishop Taylor to do the full report. I do think that we can handle the rules issues and try, since we've spent so much time on these proposed rules, and I recently did a fair amount of work on the rules with staff to try and reflect our current practices more accurately in some respects -- in some minor respects, and I think all the Members of the Board which are -- the public rules are available, the changes, I think at the front desk; is that right, Vasudha?

So all the changes are available, all the most recent edits rather than go
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through them one by one, are people on
the board satisfied? We got these
sometime ago, with some updates in the
interim between the time we first got
them and today. Are there any issues
that we should bring up or do you want to
go through them?

What's the sense of the board?

Do you want to go through them one by
one? Do you want to adopt these changes?

I think the changes for the most
part are not controversial. I'm happy to
discuss the reasons for any of them that
any board member thinks should be
discussed, but I don't see a reason to go
through them one by one unless anybody
wants to.

MR. CAPERS: So I don't see the
need to go through them one by one.

I did have a concern about one
section.

CHAIR EMERY: O.K.

MR. CAPERS: This might be a
question.
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So Section 1-21, Statement of Policy, "The procedures to be followed in investigating complaints shall or will be such as in the opinion of the Full Board, Chair, or Executive Director will best facilitate orderly and thorough fact finding." This is the one where maybe we should just leave it as the Full Board rather than the Full Board, the Chair or the Executive Director.

CHAIR EMERY: O.K. So let's --
I'm just not finding the right spot here.

This is the Statement of Policy, and I think that's fair. I'm comfortable with leaving it the Full Board because it's an overarching view of the rest of policies and procedures.

So Lindsey and Vasudha, can we hold back that change and leave that as Full Board? Is there any reason why we shouldn't, that staff can think about that Bennett's suggestion should not be adopted?

Is Lindsey here? No.
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MS. FLOOK: Yes.

CHAIR EMERY: So you're O.K. with this? We'll leave it at Full Board?
That's the way it was originally, right?

MS. FLOOK: It was Board, but it can be Full Board.

CHAIR EMERY: No. Let's just call it Full Board, 'cause Board can be confused with panels, too.

MS. FLOOK: Board is defined.
Board is defined as the agency CCRB, different from the definition of Full Board.

CHAIR EMERY: I think it should be Full Board, then, which is the board itself, the Members of the Board.

Does that suit--Does that make sense to you?

MR. CAPERS: It does. I mean, the additional concern was the way it's drafted now is you could potentially have inconsistencies, where the Executive wants to go one way, the Chairperson one way, the Full Board another. So it sort
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of makes sense just to have it vested
in the full board.

CHAIR EMERY: I'm fine with that.
Are we all O.K. with that?
Good. So we'll make that change.

Any other changes that anybody
would like to make or suggest before we
move this document so that we can put it
back through this lengthy and arduous
process?

O.K., so --

EXECUTIVE DIRECTOR MALIK: I
think the one thing that needs to be
raised is, I think, then, in Section
1-35, subdivision (d), with regard to the
post -- "receipt of the Police
Commissioner's final determination,
notify the Complainant" --

CHAIR EMERY: Right.

EXECUTIVE DIRECTOR MALIK: --
"and/or Victim by letter of the final
action taken by the Police Commissioner."

CHAIR EMERY: So I understand
Mina's point. Thank you for pointing
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that out.

The issue there is that the Law Department has opined that our letters to complainants with identifying information about officers are appropriate for the results of panel decisions and the results of decisions that we send over, final decisions to the Police Department in all respects. They have not yet finally opined on the issue of whether we're allowed to provide to complainants, by name of the police officer, the decisions that are the final decisions of the Police Commissioner that are in CCRB cases only, obviously and not others. We have an indication from them that they will, that they do believe that it's captured by the same reasoning as the other letters that we write, but we do not have a final decision on that.

So what I would suggest is in adopting the rules, we adopt it subject to the Corp. Counsel's final decision on that issue. If they finally decide, as
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they indicate they are likely to decide, we will be fine. If they say otherwise, then we will have to bring it back and adjust it accordingly.

Is that all right? Does that make sense, Mina?

O.K. Anybody want to move this package of amendments and fixes to the rules?

MR. CAPERS: I will move that we adopt the proposed rules with the one caveat you mentioned.

CHAIR EMERY: O.K.

Second? A second?

MR. CARCATERRA: Yes.

CHAIR EMERY: We have a second?

Good.

All in favor?

(Chorus of ayes.)

CHAIR EMERY: Ayes. Any opposed?

(No response.)

CHAIR EMERY: O.K., good.

So then we will submit them, depending on what the Corp. Counsel says
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on the issue outstanding and hopefully move them through the process and go to a public hearing and get the public's comment and assess that public's comments on the rules before they're finalized or amended by the public's comments.

There are a number of -- where are my notes? There are a number of potential board resolutions, and I guess at issue here tonight with respect to these board resolutions is, given that we have seven members present and it takes a majority to adopt board resolutions, we have three vacancies, so seven of ten--eight of ten will be here shortly--so we could only adopt these rules if everybody is in favor of them, and that's not at all clear to me. I haven't discussed the rules with any of the Members of the Board in advance. I think these are just discussions that we're going to have on the merits of the rules that people feel are appropriate.

So let me just get a straw sense
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here of the resolutions as to whether --
have all of you reviewed these proposed
resolutions?

O.K.

Are there any people who as a
straw matter are opposed to any of these
resolutions; and if so, which ones? And
then we can see whether we pass the other
ones and hold back the ones that there
may be an opposition to since we would
need to adopt?

MR. CAPERS: So the last one I
had a question about, the last
resolution.

CHAIR EMERY: What about?

Reopening cases?

MR. CAPERS: Yes.

CHAIR EMERY: That was -- that's
a temporary, interim problem fix because
of the pending board rule adoptions.

Everything in there is in the board
rules, but in the meantime, we need
action on that as a practical matter of
the ED to make those decisions and that's
why that board resolution worked. Are there any other concerns with these resolutions that would lead us not to bring them up? I'll bring them up one by one, but I'm just trying to see whether it makes sense.

MR. CAPERS: I don't have anything.

MR. CARCATERA: (Indicates no with shake of head.)

MR. PUMA: Actually, I find myself asking a lot of questions about them --

CHAIR EMERY: Well, let's talk about them.

MR. PUMA: The backround of them.

CHAIR EMERY: Sure. Let's talk about them.

So which ones do you have questions about?

Let's discuss it right now while we can and see whether we can either allay your questions or put them over to another time.
MR. PUMA: Right. I mean, in general, I think, on their face, I mean, I would support them, but I feel like I need more information about what is current practice and what is the purpose of actually passing these resolutions. I mean, we have partners in government that also, I guess, help or at least give us more information about what the current practice is.

CHAIR EMERY: Well, which one do you have -- which ones do you need more information about?

MR. PUMA: I guess, you know, things like the body cameras during home entries, surveillance cameras at precincts, a number of NYPD stations open to the public, and -- I mean, those are the two main ones.

I guess I also just wanted to clarify something about the delegation of authority to the ED to add allegations in CTS. I notice that in the list of allegations that we have in our memo
actually, it seems like in reviewing cases and my experience in reviewing cases there are many allegations that are, I guess -- that I come across that aren't in this list.

So I just wanted to understand this resolution to basically update our system and things that -- allegations that are actually occurring are kind of loose as well.

CHAIR EMERY: Well, let me try to address a couple of things about the cameras that we're proposing the board do. Again, it's something we can debate, and if not unanimity then we can put it over or do whatever is appropriate, and then maybe Mina can discuss the allegations issues because I'm not as familiar with that. And we'll go one by one if we can achieve that.

The resolution on the cameras for home entries, that is, body cameras for home entries, is proposed on the basis that I think many of us -- I hope all of
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us -- I think all of us have seen a large number of cases where complaints are generated by home searches, on one hand, warrant home searches -- some warrant home searches and some warrantless home searches, and some in each category are valid and some are invalid.

The entry into the home itself is usually not something that a camera is going to have much probative value for, but what occurs once officers are in the home and, as we know, that happens very frequently and very early in the morning when they're doing warrant executions or for narcotics raids and when they are in the morning, and it also happens at other times of the day, but it certainly happens very frequently in the morning when people are sleeping, when people are with kids in the home, in the state of some undress or preparing for the day and they're up. And it's an incredibly disruptive and problematic process, which may very well be totally legal when the
entry is authorized by probable cause and a warrant.

The question of what happens when officers get in people's homes is one that I think is a very controversial one in our cases and among our panelists, and there's a lot of difficulty in determining who is credible in those situations and whether a preponderance of the evidence can ever be marshalled for one -- for the allegation or for the exoneration or for the unfounded or we end up on a lot of unsubstantiated cases.

Because of this, because we all know that cameras are coming, body cameras is something that Commissioner Bratton is advocating strenuously, and while there are a number of deterrents going on right now, there are uniform procedures for all officers, in fact, a very few of them now, but they're going to be expanding slowly and it's going to probably take a couple of years at least before all officers are wearing body
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So the sense of this proposal is comprised to call upon the Police Department -- all we can do is recommend to the Police Department. We can't require the Police Department to do anything. But what we can do, given our problem of trying to assess these cases on an evidentiary basis and how much of an advantage it is to have video in assessing cases, as we're learning day by day how important video is, that we are recommending that for our purposes of proving cases where officers are acting properly and they are accused of misconduct wrongfully or where they are doing things that are misconduct and the complainant has a basis for making those allegations, that video would be very helpful and in particularly pristine situations in which video can be extremely helpful to our functioning as an agency and making determinations and so, the idea is to prioritize camera use,
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since it's going to be limited among officers, to these situations where they are planned in advance. Obviously, there are going to be home entries, they're not planned and there are not going to be cameras there, but the lion's share of them are planned home entries, and they should, in my view, have cameras. And if they have cameras, I think it's very likely that we will be able to resolve these cases much more definitively, and they are some of the most important cases we have because they are some of the most serious privacy invasions that we find.

So that's the sense of that one.

The second one, that is advocating, again, recommending to the Police Department that cameras be put in the areas in front of the -- the public areas in front of the desks at police precincts, so in the public areas where people, the community and the public, come into police precincts and the NYCHA precincts and the transit precincts, if
you will, transit command, transit police centers, all forms of public access to the Police Department's areas where people come in to request CCRB complaints, complain or whatever they're going to do, is to put cameras in those areas.

Currently, there are no cameras out in the areas that are public in front of usually the sergeant's or the captain's desk in police precincts. We have 237 complaints this year taking place right in the area of the police precinct, in the public areas of police precincts. I've noticed in my panels many situations that arise out of events that take place there. Given the fact that every NYCHA lobby, every NYCHA hallway, every NYCHA elevator, every bodega, every business, every street now has surveillance everywhere and cameras are everywhere, including the additional telephone or cell phone cameras or mobile cameras, it just seems to me that it's a
very strange notion that in a police precinct, which is a public location, there is no surveillance camera. And I think we would be aided again in our treatment as to cases that arise out of those -- that area, that physical area in deciding whether police officers acted properly or police officers didn't. And instead of having a lot of he said/she said testimony and, you know, it would shorten -- it would shorten and clarify our work. Videos aren't the answer to everything; videos don't tell the whole story, as we all know, but they certainly help in a lot of cases.

So that's the reasoning behind these and all we are doing is recommending and calling upon, as a board that has to struggle with these cases, calling on the Police Department to give us the assistance of having video in these situations.

MR. PUMA: I mean, as I -- when I review many cases that take place in
precinct houses and holding cells, the
same thought comes to my mind as well:
Wouldn't it be great to have a camera?
But, I guess I wonder, and this is not
to -- I was -- we were given some
statistics about the number of cases that
kind of fit this profile, but I guess I
wonder what the breakdown of those cases
are in terms of just, say, something like
a discourtesy, offensive language which
may not be provable with a camera that
doesn't have audio.

CHAIR EMERY: It may be that we
may want to suggest audio as well, but at
least you can -- you know, we have a lot
of cases where we have those allegations
and the video helps, it's not the end of
it but it helps. The best thing of
telephones, obviously, is that they have
audio and sometimes, you're absolutely
right, audio is more effective than
video.

But, we're trying to do the best
we can, and given the fact that video
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seems to be the main or is becoming the main source of our capacity to make definitive decisions about these allegations, we are simply trying to enhance the degree to which we have video available.

Mina, do you want to address the allegations --

EXECUTIVE DIRECTOR MALIK: Sure.

CHAIR EMERY: -- issue?

EXECUTIVE DIRECTOR MALIK: So currently regarding your question, Joe, about the delegation of authority to the board adding allegations through the CTS, as you know, the CCRB investigators currently use the complaint-tracking system to identify and select various subcategories that are raised in a complaint of police misconduct and really the thought here is just to streamline operations, right? Because CTS contains these specific subcategories, but they may not be very specific in certain instances, and to make these
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subcategories more acceptable to our investigative operations as well as to the policy work that we now in our policy unit are doing, there is a need to basically update the CTS allegations from time to time.

So, for example, right now there's a subcategory of premises entered and/or search allegation, right? It would be better to have that broken out into premise entered and a separate subcategory for premises searched. Similarly, offensive language involving gender identity, that should be a subcategory as well. And then, there's also as single allegation, a subcategory for chokehold but through evidence from the circumstances of the complaint or case and adds a category for chokehold and another one for restriction of breathing 'cause they may not be one and the same. So I think it's very important to carve out the actual allegations as they stand factually.
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So in the past, the past practice was to have the Board approve the addition of the modification of CTS suballegation or the allegations through a resolution but that's time-consuming and cumbersome, and so, in order to streamline the process in the agency and our operations going forward, I think it would be best for that delegation of authority to be in house in conjunction with consultation with the Board, of course, and with the Executive Staff.

MR. PUMA: I completely understand. I just also wanted to clarify because this list of allegations that was provided to us doesn't seem to include -- doesn't seem exhaustive, at least when I compare it to other just cases, from my recollection of events. Like, for example, there's a taser allegation on this list and there's a refusal to provide medical treatment allegation.

So I don't think this list is
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exhaustive but this is currently what
basically (inaudible).

EXECUTIVE DIRECTOR MALIK: There

is -- Allegation 85.

MR. PUMA: O.K., so I stand
corrected on that, but I mean, taser,
preventing recording may not be on these
lists.

EXECUTIVE DIRECTOR MALIK: So --
right. So that's the idea, is to update
and streamline without having to go
through the time-consuming task of
waiting until a board meeting.

MR. CAPERS: So I found this
discussion very helpful. I think I'm
fully on board with supporting the
resolutions (inaudible).

CHAIR EMERY: All right. So
let's go through them.

MR. CAPERS: (Inaudible). CHAIR
EMERY: (Inaudible).

So let's go through them then. On
the first one, it's the resolution to
allow us to recommend to the -- this,
again, is a recommendation to the Police Department that we be allowed to have dual penalties for when the panel decides that there is a CD appropriate as a result of the disposition, that we also be allowed — they've resisted this, by the way, and they may not adopt it. You know, they may not adopt any of our requests, but the idea here is to allow us to say we would have a CD disposition and we would like training, formalized training or other training. I think that that is an appropriate thing to do in the many cases we feel that training is necessary but we do not want to give only training because we feel that it's too serious to give only training. So I know that's come up in a number of situations.

So, the idea here would be, for instance, there may be a number of cases where we wouldn't bring charges, where we do a training -- a CD and training or whether -- because if you do charges, it's silly to do training. You might
feel the training is more important and therefore do a CD 'cause it's a serious case as opposed to just sending it for charges.

So there's a number of possibilities here, and it gives us more flexibility in the sense of the capacity to shape the resolution of the panel, the panel disposition more thoughtfully about a particular case. So that's why this resolution is just calling upon them to do it. I'm not sure they will. They have resisted it so far when we discussed it. They did it for a while as a matter -- it wasn't included, and they told us they didn't want it to come over that way.

So all we're doing here is trying to reflect the past practice that was rejected and saying that as a board we would like that option.

So anybody want to move this -- oh, I'm supposed to read the resolution into the record. Sorry.
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The resolution that I'm going to seek to have moved is:

"It is resolved that, unless and until the Board otherwise resolves:

"1. The Board calls upon the NYPD to allow Board Panels to issue recommendations for both Command Discipline and Formalized Training for instances of police misconduct in which both penalties and retraining are appropriate. The Command Discipline would be reflected in the officer's record."

MR. CAPERS: I will so move.

CHAIR EMERY: Second?

MS. CORTEZ-GOMEZ: I second.

CHAIR EMERY: All in favor?

(Chorus of ayes and raised hands.)

CHAIR EMERY: Any opposed?

(No response.)

CHAIR EMERY: O.K. The second one is the one that we just -- that Mina just discussed about adding allegations.
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It reads:

"It is resolved that, unless and until the Board otherwise resolves:

1. The Board delegates the authority to add allegations in the Complaint Tracking System to the Executive Director."

Move?

MR. CAPERS: I move.

CHAIR EMERY: Second?

MR. CARCATERRA: Second.

CHAIR EMERY: O.K. All in favor?

(Chorus of ayes and raised hands.)

CHAIR EMERY: Any opposed?

(No response.)

CHAIR EMERY: The third one is:

"It is resolved that, unless and until the Board otherwise resolves:

1. The Board calls upon the NYPD to equip members of service that conduct home entries with body-worn cameras, which will provide evidence that is relevant and useful for CCRB
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investigations."

Motion?

MR. CAPERS: I'll support it.

CHAIR EMERY: Second.

(Mr. Puma indicates with raised hand.)

CHAIR EMERY: O.K. second.

All in favor?

(Chorus of ayes and raised hands.)

CHAIR EMERY: Any opposed?

(No response.)

CHAIR EMERY: The next one is:

"It is resolved that, unless and until the Board otherwise resolves:

"1. The Board calls upon the NYPD to install cameras at all police precincts, commands, and transit stations where arrestees are held and members of the public may enter. This will provide clarifying evidence for the many police/civilian incidents in police buildings that become CCRB complaints."

Motion?
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MR. PUMA: I will move it.

CHAIR EMERY: Second?

(Ms. Cortez-Gomez indicates by raised hand.)

CHAIR EMERY: All in favor?

(Chorus of ayes and raised hands.)

CHAIR EMERY: Any opposed?

(No response.)

CHAIR EMERY: And the last one is this temporary, we'll call it a temporary because the rules if adopted will take over for this capacity of the Executive Director to reopen cases:

"It is resolved that, unless and until the Board otherwise resolves:

"1. The Board delegates the authority to the Executive Director to decide all requests to reopen cases, including cases that were fully investigated by the CCRB and cases that were truncated or closed without a full investigation."

Motion?
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Moved.

Second? Do we have a second?

(Mr. Puma indicates with raised hand.)

CHAIR EMERY: All in favor?

(Chorus of ayes and raised hands.)

CHAIR EMERY: Any opposed?

(No response.)

CHAIR EMERY: All right.

Excellent.

We have adopted the resolutions, and I believe that is all I have for the report from the Chair. And we can go to -- do you want to do the public comment first and then, unless you want -- everybody has had access to the materials at the front desk that provide the monthly statistics.

Do we have a list of people who want to speak? Or anybody who wants to speak, please take the podium.

Do you have a list?

Sir, come on up, Mr. O'Grady.
Good.

Why don't you start and see if anybody else comes in.

MR. O'GRADY: Mr. Dunn, you want to speak?

MR. DUNN: No, no. You start.

Go right ahead.

MR. O'GRADY: Administrative government Manhattan Sanitation E-10, upon learning of trade waste was left on floor of Apartment 5 by HPD AE contractor, New York City. Trade waste refers to used sheetrock, et cetera, et cetera, et cetera. Contractor's mechanic ripped out used sheetrock on the ceiling of Apartment 5 with long wooden (inaudible) to fully expose joint sewage pipe rupture or rift, north wing 1880 Seventh Avenue, Power Global (phonetically), also known as Power Global.

Manhattan Sanitation E-10 demanded tenant do not touch trade waste.

Report to Community Board 10 Manhattan.
Mind you, this Negro developer had been removed from the property by Corporation Counsel due to pocketing $200,000 of New York City's money. The Negro developer evidently invited himself back on the property, racially attacked the HPD plumbing contractor payee, telling Chinese worker tenants voted for him to come back on the property.

In fact, in fact, tenants voted him out of the property through 111 Centre street twice, also known as a court-appointed fiduciary.

There are those in the 28th Precinct community who hold Franklin Delano Roosevelt responsible for throwing black Americans out of the Republican Party and into the Democratic Party. Franklin Delano Roosevelt, there's people at the 28th Precinct that say that that was done by Franklin Delano Roosevelt and blacks stop voting for the Republicans and start voting for the Democrats. 28th precinct people say that.
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Also that 1940 American high school history book also showed the spiritual or political leader of the Confederacy, Jefferson Davis, was subdued year 1865 but by an all Negro trial jury, all Negro hung jury, all Negro proud jury could not make a decision on Jefferson Davis. Jefferson Davis walked free due to an all Negro hung jury.

It was reported by Channel 13 television that the trial at Nuremberg in The Netherlands judges, 1945-46 had gallows platforms mounted and in position right behind the court (inaudible) in the court, indicating a kangaroo court. All during the trial the gallows platform was right behind the judge's chair.

Thank you.

CHAIR EMERY: Thank you.

Chris Dunn?

MR. DUNN: Good evening.

Bennett, welcome back.

MR. CAPERS: Thank you.

MR. DUNN: I was expressing
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concern about your welfare at the last meeting, when you did not appear, having proposed at the prior meeting that the Board start referring to the DAs officers who you found had engaged in making false statements.

And I'm so curious about the status of that proposal. I think at the meeting two months ago there was going to be a subcommittee to address that. I don't know that any subcommittee that has been formed or any action has been taken, but I want to encourage you to pursue that issue. I think it's an important issue.

CHAIR EMERY: There is a subcommittee and it's definitely a very high priority question and how do we go forward with making known to the various law enforcement agencies or having them have access to us with respect to false statements. Is that correct?

MR. CAPERS: It is.

MR. DUNN: O.K. So if there is a
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subcommittee meeting, I hope that the public knows about that because that should be open to the public. Those meetings are -- the Agency certainly had subcommittees that were open to the public, so I'd ask that the public be given notice of that.

CHAIR EMERY: I think -- maybe correct me if I am wrong, but I think the meetings are -- purely committee meetings, that's true, but I think when it's a combination of staff and board members it's not the case that it has to be a public meeting, but I could be corrected on it. Maybe Brian Krist may know, others may know here.

We will certainly make sure that notice -- we'll do the research and make sure that it's noticed if there's an obligation to do so, and maybe even if there isn't.

MR. DUNN: I appreciate that on both counts.

And, Sal, I want to commend you
on your votes on the resolutions. I would not have predicted that you would have voted for all five, as well as Richard has; so I'm happy to see that's what happened.

I will say on this camera business I'm not sure whether there was discussion or consideration of some of the privacy issues here. I totally understand the interest in accountability in having cameras in places, but the resolution about having cameras, for instance, in any place where a visitor might be, I think covers pretty much every square inch of the precinct.

CHAIR EMERY: Let me be clear. There's no -- the resolution does not cover the cell areas. It covers only the area, the public area in front of the -- the public areas of the precinct.

MR. DUNN: Well, O.K. Maybe that's one way to read it. It says all --

CHAIR EMERY: I will say for the
record that that's the intention of that section. There's no intent to have cameras -- that's a whole other issue, which, I agree with you, involves much more contemplation than the simple issue which we have and we intended to pass, which was only for the area--public area where people make complaints and are approaching the desk or reception area where these incidents that we were describing have routinely or regularly occur, I should say.

MR. DUNN: O.K. I accept that clarification, Richard. I just notice the resolution says where arrestees are held, so arrestees are not generally held in front of the desk, of course, they go first in front of the desk, but --

CHAIR EMERY: I understand your confusion, but let's -- we'll clarify this; the intent is not to have -- let me make sure I make this clear for the record. The intent is not to call upon the Police Department to place cameras in
anywhere other than the public areas of the precincts, where entryway -- where the public enters the precinct and other station -- other police stations where we have had the experience with a number of confrontations or difficulties occurring that arise from complaints or result in complaints, I should say.

MR. DUNN: All right. Thank you.

In terms the report, Mina, you haven't had a chance to give the report yet, so I don't want to step on your presentation, but I do want to comment on it, because I see you have dramatically changed the record, to your credit. I find it to be a much improved report and it has a lot of information in there; and so good for you and the staff who worked on that.

I do have some comments about it, some good, mostly questions. So on the age of the docket, the numbers were so good, frankly, it's hard to believe. But I will believe it. I don't think you're
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playing with the numbers. I know that you report a total of two cases between twelve and eighteen months. Assuming that's true, that's astonishing and good for you, good for the agency.

CHAIR EMERY: You should hire an auditor and send them in.

MR. DUNN: Well --

CHAIR EMERY: I encourage it.

MR. DUNN: That's the good news.

All right. You folks spend a lot of time talking about the substantiation rate, and I see that you take a lot of institutional pride in the substantiation rate. I understand that.

I, for one, have never felt that there was a particularly good/bad substantiation rate, but I'm struck by the report, if this is true, the semiannual report, because what you don't talk about is the substance behind the substantiation rate. And the substance is you have singly a record number of officers against whom you subbed
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complaints this month. You have to look
and do a little bit of digging but you
will find a table that says there's 76
officers against whom you sub reports
just last month and there are now 396
officers for the year to date through the
end of September.

Those are enormous numbers,
enormous increases from a year ago.
They are coming at a time when there's a
lot of discussion coming from this
agency about how much better cops are on
the street, a narrative for which I have
taken issue. I do not think that this
agency should be pushing that narrative.
But when I see numbers like this, where
you point out a statistical point that's
good for the agency but you don't engage
with the facts and the grounds behind
that statistic, I am concerned about
that. And I think the headline here is
record number of officers are engaged in
misconduct last month, and, to date,
twice as many officers have been found by
Proceedings

this agency to have engaged in
misconduct this year than just a year
ago.

And I think you need to
acknowledge that and I think you need to
start talking about it. I think it's
great to talk about substantiation, that
could be a good thing for the agency, but
what we should spend more time talking
about is what that substantiation rate
tells us about the frequency of police
misconduct.

CHAIR EMERY: I'd just like to
comment on that, just very briefly. I
don't dispute any of the numbers you're
saying, but I must say that it's pretty
clear to me that the substantiation rate
is driven by the video evidence that is
now coming to the fore, in addition to
the fact that investigations are being
closed within about three months and
therein go to panels within about four
months, and that means evidence is
preserved and witness's memories are more
clear than ever before.
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And, quite frankly, I think the numbers are minuscule compared to the total number of complaints and to the activities, interactions between police officers and civilians overall and especially -- and, in fact, one cannot infer, in my view, anything from the increased numbers of substantiated cases of misconduct about overall civilian-police interactions. I think it has very little -- it's not probative to say that 300 as opposed to 150 is meaningful, when you have 25,000 officers interacting with the public in the month.

So I just don't say one way or the other; you may be right, maybe it's not going up or down, but there are -- you know, it's a very -- it's an impossible inference to make because we are subbing more officers for reasons that we cannot identify, we need better evidence and video, that that means that we -- that interactions are either better or worse. I don't think one can draw any
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conclusions.

MR. DUNN: Well, up, that's just a fair methodological question.

I am a person troubled by what seems to be an inclination to explain away what appears to be an increase.

But setting that aside, if what you are doing -- I don't mean you personally, I mean the agency -- is saying, O.K., we have a substantial increase in the number of officers against whom we have substantiated complaints. What is that about us (inaudible)? Fair enough. I don't see that in this report.

What I see is a trumpeting of the 29 percent; what I see is the emphasis on numbers that are going down at the exclusion of numbers that are going up. What I see in the semiannual report is a big push to suggest that the drop in complaints somehow means that cops are being better on the street, which, by your logic, and I understand the notion,
Proceedings raises the exact same issue. There are lots of people who think there's no relationship between the number of complaints the agency gets and police officer misconduct. But if that's your view, you can't--when you see numbers that you like say, those numbers show cops are being better and when there are numbers you don't like say, well, those numbers don't really mean anything.

And what I'm saying is I am struck by -- I'm struck by this in the semiannual report. Both those -- this report (inaudible) there are these huge increases in the number of officers against whom complaints have been subbed. Those increase in the numbers without acknowledging them, they're only buried in the table and there's no effort to come to grips with the significance or nonsignificance to them. What I'm saying to you is I think you at least have to grapple with if even if you want to have one view on it and others want to have
Chair Emery: Well, I think we are grappling with it and I think we'll continue to grapple with it, but I think the grappling with it has to do with the method by which we are investigating and gathering evidence and using the evidence to reach conclusions which are qualitatively if not dramatically different than they were a year ago. It's a remarkable turnaround with this staff, investigating staff has made in the last year that allows more gathering of evidence which is so much more probative than in the past because of delays primarily and videos secondarily.

The issue of complaints going down is a much more probative sample, in my view, and one can infer from this -- I don't think we can be very confident about what it means, but the fact of the matter is once you have complaints dropping from 7,000 to 4,500, or thereabouts that means something,
Proceedings

especially with an agency that has gained profile and I hope gained credibility.

So to me, there are some arguable inferences, but I don't think anybody can be very confident in any conclusions that one draws from these numbers.

MR. DUNN: Alright. You may not be confident in those, in those conclusions. What I'm saying is I have questions about the conclusions and what I'm saying is the agency is not even confronting what I think is the salient factor, which is that there are many, many, many more police officers in 2015 who have subbed complaints than a year ago, and maybe that's because you're investigating faster and maybe that's because video is more available and maybe what leads one to conclude is the substantiation rate from the beginning of time should have been 30 percent, and what was happening all these years was because the agency took forever in investigating complaints and there wasn't
video, they were recording substantiation rates of 7 percent, and we should go back and conclude that, in fact, there were 50,000 cops over the last five years that should have had subbed cases or not.

But I'm just saying I don't see that engagement and analytical level here. What I see is too much mindless acceptance of the Police Department narrative. And all the complaints I see, and this is in the report, Mina, they're pointing out that year-to-date complaint numbers are down. What is not mentioned is a quite substantial statistical increase in complaint numbers this month as opposed to a year ago.

I'm not saying that one is more important than the other. I'm saying that you can't pick and choose because you like one category of numbers because it's going in the right direction and ignore another category because for the reason that it's going in a different direction. Enough about that.
Proceedings

I notice in the report that there's been a substantial decrease in recommended penalties from the agency. This is on page 20. And I'm just going to ask you -- what I'm going to put on the table now and you can talk about it going forward, I have questions. You have quite significantly emphasized the fact that the department is more frequently agreeing with your penalty recommendations, and you treat it as a good thing. I think in the abstract that's a good thing also, but when I look at that table, I see that you pretty much split the percentage of cases that get charges with the potential cases that get instructions. And it is no surprise to me that that's what's really happened, that the department is agreeing with you a lot more because what you are proposing much more frequently is nominal discipline, and indeed I don't consider instruction to be discipline at all.

With respect to the numbers on
Proceedings

videos, Richard, basically, this is an important point, the table you have here talks about substantiated cases of videos; it doesn't have any numbers for cases of videos. So I can't tell if you've got ten cases in a month or a hundred cases in a month, and I would ask you to include that because it makes it easier for somebody like me to say, O.K., video, in fact, is a big part of it because many of these cases have a video. Well, it's not a big part if a small number have video.

Finally, I would mention one significant omission, and I'm going to write a more detailed letter about it some--the smaller details, but the NYPD dispositional tables seem not to be in here, which is a very important table, and that was a table of what the department has done with all your cases for the month and for the year. It includes such things as the dupes. That table seems to be completely gone, and I
Proceedings

apologize if I have missed it, but I feel like that was a very important table to give the public a picture of, for year-to-date and for the month, what had happened with all the department dispositions and that doesn't seem to be here.

Finally, what I would say is thank you for getting the rules done. We of course will have detailed written comments about them and talk about them for months.

Richard, I want to thank you for the effort you have made to make the process as public as you have. I think it's been quite important. I don't think you needed to do that and I thank you so much.

EXECUTIVE DIRECTOR MALIK: Just so you know, Chris, the NYPD final penalties for APU cases --

MR. DUNN: I saw that.

EXECUTIVE DIRECTOR MALIK: -- and penalties for allegations imposed by the
Proceedings

Police Commissioner for non-APU cases is on page 25.

MR. DUNN: No, I saw that. That's -- those are different tables than the report you used to have. For instance, there's no way -- if you could count these dupes, about ten, counted individually. You had a table that had every single disposition -- all the cases that were closed in a month and every single disposition of all those cases, and that's no longer here.

CHAIR EMERY: Duly noted. I appreciate that.

We have Rick Robinson.

Mr. Robinson.

MR. ROBINSON: Hi, how you doing? Hi, Rick Robinson. I'm from the NAACP. We are from Newark, New Jersey. Newark, New Jersey is currently on the way for a CCRB, so the staff, Executive Director Ms. Malik, her departmental leads have been influential involving mentoring me so I can actually bring this
profile to Newark and help out the establishment of a CCRB.

I briefly glanced at the latest report for the day, and I actually went over your information that was given to the Board personally. In my opinion and some people in Newark, New Jersey, very impressive. There has been steady growth.

When you're dealing with these kinds of serious instances, it's really, really tough, so I will give your Board and you and your staff kudos because it is a very very tough thing to do and just, everyone, you should be very proud of the CCRB and the situations occurring under it.

CHAIR EMERY: I'm very proud of the staff and this Board, we are also very proud.

MR. ROBINSON: You should be.

There is room for growth and I was pretty much informed of that on my first visit and those are things that are
Proceeedings

being worked on, but let me tell you
about the situation in Newark, New
Jersey. We are currently at 50 percent
pertaining to gaining status and, again,
I'm leaning on the New York CCRB for any
kind of inclusion of help and
understanding.

And I heard you earlier today,
your explanation for clarity on certain
matters, and I have to tell you, you need
it, and it was a good review and
excellent. So I congratulate you on
that.

You had a number of high profile
cases recently. I have to give you
congratulations on that.

Newark was -- I would say they
had an awful Internal Affairs Unit. The
Department of Justice did an
investigation and a study and pretty much
concluded that 500 cases were not
recorded in Internal Affairs, so you had
some residents who were feeling slighted.
There were numerous misconduct issues.
Proceedings

So we feel that it's necessary for a CCRB to be established.

And again, I just want to say thank you to Ms. Malik and to your staff, wonderful people and Mr. Emery, you should be very proud.

CHAIR EMERY: Thank you very much.

MR. ROBINSON: You're welcome.

EXECUTIVE DIRECTOR MALIK: Thank you.

CHAIR EMERY: Oh, sorry, Jose LaSalle.

MR. ROBINSON: If you want me to go again, I'll go again.

CHAIR EMERY: Alright. No.

Mr. LaSalle, Jose LaSalle. Thank you.

MR. LaSALLE: First I want to say I'm not going to sound too friendly like everybody else that's been up here, so...

CHAIR EMERY: We don't expect that of you.

MR. LaSALLE: So there won't be
Proceedings

too many thanks or congratulations coming from me, one of the reasons is because -- first, I'm Jose LaSalle, founder of Cop Watch On Patrol, and I've got about 50 to 60 brothers and sisters that I send out, get involved in the community in the five boroughs. We usually go to the precincts where CCRB complaints are high and also to the precincts where we get intel from people in the community that there is a lot of police harassment.

Main objective was just to record everything. We kind of mastered the NYPD Patrol Guide 'cause we feel that that's very important especially with the broken window that Bill Bratton had brought back here and has been implementing. In a community of color, we kind of figure that that would be the broken windows for the NYPD, so we make sure that they be held accountable, either by us documenting it and exposing it on social media. We have everything on -- we have a very big social media grass roots
Proceedings

organization, and we make sure that we spread it all around to the point where many officers actually tells us, Please don't put them on YouTube; Please don't put them on social media, which shows that we're doing a lot more work there than the CCRB themselves are doing because when they see us, they straighten up. When they see us, their attitude changes.

And I know that many people on this Board here or anyone on this Board here will never be in the street recording police, will never been in a community of color where they're most affected, so I will never see them there. So for those who get credit for substantiated cases because of videographers, like myself, who put their body on line every single day and other videographers who take it upon themself to say, you know what, I'm tired of seeing this; I'm tired of police officers coming in my community harassing,
Proceedings
dehumanizing, traumatizing,
criminalizing, brutalizing and even
murdering our brothers and sisters. So
these are the people that's standing up
and that is the only reason that they are
able to substantiate -- that they even
substantiate these claims now. It's not
because of what they doing because what
they've been, they've been doing for a
long time, and to take videographers, for
it to take place like it has now to
substantiate it, I can't give you no
credit for that.

Another thing that I wanted to
share -- I want to lead into my own case,
too. This is a folder I got here of CCRB
complaints, CCRB complaints made by me
and my group of cop watchers, and I'll
get into that in a little while. I'll
tell you a story about that, and with the
contradiction on the side of that.

We feel very upset because of --
I know they've been getting credit from
the NAACP from New Jersey about the James
Blake issue and these so-called high class cases. We can't give them no credit for that because the simple fact is there's other cases that have been laying on that desk for years which have been substantiated with video and they still laying on y'all desk and that is sad. It only took, what, 28 days, not even 30 days for y'all to look into the James Blake case. Not even 30 days. Nowhere -- I've been trying to find where in the CCRB since y'all been around has any case been looked at that fast. I haven't found it, and if y'all can find it, I would like to get it.

And you know what that tells the community and the people in my community? It tells us that you have to be somebody that is famous, you have to be somebody that is rich, and you have to be somebody that the media is going to go crazy -- you know what I'm saying -- over, because that's what the people wanted. That's how you substantiate the case. And that
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brings me to my case.

While I was video recording, without the video recording -- these are the bruises that I gained from being assaulted by police. So these are the bruises I gained. I end up being in the hospital for about three days with a concussion, and -- and, they falsely charged me with... One, was jay walking and, two, with carrying -- in possession of a scanner. These cases have been dropped because they was falsified cases anyways, so they weren't going anywhere. So they've been dropped.

Then I send the information to the CCRB. They had the hospital report. They had the pictures. They had the video of the police officer shining a light at me until the point where the video went dead because I was snatched up, thrown against the fence, and my phone was cracked when it slammed against the floor. So that was given to the Board, and with other -- with other --
and other evidence, and this is what I get back from the Board. Alright?

Abuse of authority, unsubstantiated, and there's video of this, too. Force, exonerated; force, again, that's C, exonerated; discourtesy, unsubstantiated; discourtesy, unsubstantiated; abuse of authority, unsubstantiated; abuse of authority, unsubstantiated; abuse of authority, officer unidentified. And I gave them information, I mean, they identified the officer because I had the information there, too. Discourtesy, unsubstantiated; others, other misconduct on the officer -- failed to prepare memo of entry required by the Patrol Guide procedure 212-08, so that was the other misconduct.

So now -- and I also -- also I make a request for it to be reopened because I feel that one, that's a slap in my face for all the hard work that I do
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in the community when I'm out there
putting my life on the line against the
police officers who don't really like me
because they don't like what I'm doing
because I'm documenting them not
following the proper procedures and
protocol. But then the Blake issue
happens, and this, what's funny is that
why I'm a show you the competition.

This other case is also about a
sergeant who was interfering with me
while I was trying to record and send the
video. This -- this case, which is on
this case, is after this one, and I get
thrown in the Blake incident, and this
case is the same thing that has happened
with his sergeant, this situation here, I
was arrested -- falsely accused and
assaulted. So in this case, abuse of
authority with this sergeant is
substantiated and formalized training.
And I have so many cases here that they
have dismissed, even with video, I mean,
maybe it's just against the Cop Watch
unit that they have something personal, I don't know, I guess that's on them. But, I will be pressing all these cases to be reopened, so that they be on the record, and I will come back and let y'all know they're reopened to keep you updated on what's happening with these cases. Because the simple fact is if James Blake can get that type of treatment but that we that's out there every single day facing this type of brutality from police cannot get that same respect, not even get that same courtesy, that the CCRB Board should -- the CCRB Board shouldn't even exist. And we want to make sure that you know through my groups, through my brothers and sisters, we'll make sure that we expose everything that we could about the CCRB, what they do and what not they doing, what they taking credit for 'cause they not doing, but they're taking credit for because it's all over. I'm saying they have no problem talking to the New York Post, talking to the Daily
Proceedings

News about how you saying successful they've been, but their success don't come without them who that's out there today.

And I'm gonna finish up -- I'm gonna finish up, so I will -- Emery, I will bring these cases and ask for you to reopen them, for one, that should never have been closed. I'll bring that to y'all in the next few of days.

Another thing that I want to say is that it is -- it is hard for -- I work with all the parents who have lost loved ones, you know, from Kimani Gray, to Shantel Davis, Reynaldo Cuevas, and Eric Garner family, you know, I work with so many different families, and it's sad that even their cases would sit on their desks for years or for a year, not even -- before they even think about coming up with a decision, and it's sad. And we need to look into that because all these praising -- all these people that's praising these boards see none of that,
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know what I'm saying? All of these
people praising the Board -- I mean,
praising this Board don't seem realize
that they're not representing the
community, know what I'm saying? 'Cause
you're praising the Board for what they
doing, and police brutality is still
rampant in my community, then they're not
doing anything. Like I said, we do a lot
more work than this community board does
or would ever do because we're out there
in the -- know what I'm saying? -- war
with people of color taking place. Like
I said, they -- this is farthest they
gone. They would not go to my community,
ain't none of them will walk one day with
me in my community while I'm doing cop
watch, to see what I see, know what I'm
saying? But, they have no problem
checking out my YouTube or looking into
the YouTubes of other people to see
what's happening out there. No, they
have no problem sitting at home and doing
that.
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And that is something that we need to check, and I will make sure that I keep coming to the Community Board CCRB and keep -- and keep showing the contradiction that exists in the Board, because I'm not satisfied, the people in my community here in the Bronx are not satisfied. Take a look. Take a look who's here. Where is my community at? And even the ones that I said, Come, you have to witness this, you know what they said, they said, I'll stay home and see it live stream. Why would I go and listen to them saying all that crap that's going to go on to, to listen to that Hollywood that they going to show, know what I'm saying?

So we have to be very aware, and, like I said, ain't nobody on this Board speak for my community or for the people of color. And all the best. Peace.

EXECUTIVE DIRECTOR MALIK: I would just like to address that,

Mr. LaSalle. I know that you don't know
me personally, but I grew up in Corona and Elmhurst and I've spent my entire life serving the public. So I understand what you're saying, and I don't know when your letters were dated, but certainly this agency is for people of all communities, all communities across this entire city.

I don't know when your letters were dated, but if they warrant reopening, certainly my chief of investigations is here right now, Mr. Thomas Kim, and I advise you to talk to him after this meeting is over, and if your cases are warranted to be reopened, believe me, they will be and they will be looked into.

CHAIR EMERY: Josmar Trujillo.

MR. TRUJILLO: I'd just like to -- I wasn't planning to respond to that comment but I'd like to make sure everyone's aware, I'm sure, most people in this community is aware that not every neighborhood, not every community in the
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city is policed the same way, so you should acknowledge that before you make your decision.

EXECUTIVE DIRECTOR MALIK: I absolutely do. Having grown up in Corona and Elmhurst, Queens, I absolutely do.

MR. TRIYILLO: Where do you live now?

EXECUTIVE DIRECTOR MALIK: Thank you.

MR. TRUJILLO: Where do you live now?

EXECUTIVE DIRECTOR MALIK: That is not public information.

MR. TRUJILLO: Well, we live in the hood and this is where the police are coming down on us, O.K.?

EXECUTIVE DIRECTOR MALIK: I wasn't born with a silver spoon in my mouth.

MR. TRUJILLO: O.K. Look where you're at and look where we're at.

So, Mr. Emery, last week in the presence of the cop-bashing arm of the
NYCLU -- I think that's what Mr. Lynch, Pat Lynch called you guys, right? Because he didn't like you guys recommended, like, three days less paid vacation; he thought that was the end of the world.

For the record, I don't think you're cop-bashing, although I know you work for the NYCLU and you're pretty close to Mr. Dunn -- you guys are nowhere near being the label of cop-bashing wing of the NYCLU. What I tell you, in my community, that the Chair of the CCRB's son works in the NYPD under Commissioner Bratton, the cynicism that has already existed around oversight in this city for 20 years, it just goes even further.

When you guys talk about the number of cases you substantiate, I hope you guys realize that the samples that you're working with are like a fraction of the actual interactions that we see in our communities because most of the people in the communities of color are so
cynical about government agencies, and especially, you know, I know Newark is looking into the CCRB, but I'm going to tell you right now, talk to people who have been around -- talk to Norman Siegel who helped create this agency and he'll tell you this isn't a good model. This is politics. The greatest politics, I think, was explained by Mr. Dunn, to his credit 'cause he said look at what narrative you're putting out to the media, lower numbers of substantiated cases. This is politics.

And everything that you guys do, I hope you understand, looking at the this thing you guys are passing, a resolution about putting cameras into people's homes or bringing them into -- on officers that do home invasions or something, like the debate over body cameras is up in the air. I don't believe in body cameras. And people, activists, even the NYCLU or some of the other civil liberty groups, they're not
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sure about the surveillance side of body cameras. And you guys are taking a political position, going out and saying we want body cameras.

Where is that footage going to be stored? Are the police going to use that footage to police the community? Further criminalize us? It's a two-way -- like, you guys take these positions and you spread them out there and you say we're a completely objective oversight agency. But the politics are obvious. They are obvious. When I found out you and Bratton are friends when you were first here -- and this is not a personal slight, but this is just what we see -- it's cronyism. It's in front of you. It's what we see when we think -- this year, I've made the last few meetings and I'm definitely going to be making more of them and enjoy some quality time with the City Council who had added 1,500 cops -- we've been kinda harassing them about that.
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But the more and more that we come here and we see you take these positions, and I'm not even talking about the bean counting that's coming up up here -- I don't want to see that -- I can't even -- you know, I don't have the attention span for it. I'm talking about the positions that I see you guys out there and you guys are asking for body cameras on home invasions without any debate, we're -- we're -- I mean, we're losing, and this is just me, you know, I don't even going to pretend to speak for everybody; everybody is entitled to their opinion, but I'm losing more and more and more faith that this is nothing more than just an appendage to the NYPD to make it appear like there's oversight.

And I'll ask you one last question because I remember -- I remember this clearly, this is what ticked me off, you said, Mr. Emery, you said at one meeting, you said if it were up to you, and this is regardless of what's in the
City Charter, if it were up to you, you would still want final say-so to be with the Commissioner of the NYPD. That means you guys or -- excuse me, not you guys -- the head of the CCRB wouldn't want the power to actually -- you guys -- like five lost vacation days when someone gets -- that was one of the cases, where a pregnant woman was thrown on her stomach, I think that cop got like five like unpaid vacations days lost or something like that. If I threw a pregnant woman on the ground, I'm pretty sure I'd be losing more than five days' pay.

But regardless of the level of the kind of discipline, you're saying that you would still want -- I'm asking, today, you would still want the final say over discipline to be with the Police Commissioner? And that's the question I'll leave you with.

CHAIR EMERY: Shanon Jones.

MR. TRUJILLO: You're not going
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to answer that question?

CHAIR EMERY: No, not right now.
I've been through this before and
there's no reason to answer a question.

Shannon Jones.

MS. JONES: Good evening. My
name is Shannon Jones, and I'm the
cofounder of the Bronxites for NYPD
Accountability, affectionately known as
Why Accountability. Since the chokehold
death of Eric Garner in July of 2014, we
have engaged in community activism in the
form of direct confrontation with the
police commanders in the precincts in
order to address police brutality
conduct, misconduct and operational
terrorism taking place in our
communities. That's for the benefit of
those that are not familiar with me.

The Board is certainly familiar
with me because I've appeared here
several times and I make it a point to
try to come as often as I can in order to
speak on behalf of the community that I
live in and entrust me to represent them here every month.

So I just want to, before I begin what I planned to say, I'd like to take a moment to address what I heard so far. The gentleman who has come to us from northern New Jersey, I appreciate every opportunity that communities have to take control over the Police Departments throughout this country, but I give you fair warning. If you choose to use the New York City CCRB as a framework and as a model, it's a recipe for disaster. Don't do it.

Ras Baraka is certainly in tuned in his community at large and is aware of this community and certainly has the skill in order -- will meet with anyone in Newark, New Jersey in order to put together a Civilian Review Board that would be effective, that will have teeth, and that will work with the community residents at large. So you can weigh that in with what you have experienced
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with the Board and with what the community is telling you, and as a member of the community, I strongly advise against that. Use the skill that you have in your own town to build something for your people of color that you can be proud of, that would not continue to move forward in the areas of operational terrorism, and I'm here once again to state formally on the record, because that's what goes on here.

O.K., and also, secondly, when communities come here and speak to the Board, everything doesn't always warrant an answer. Sometimes things just need to hang a little bit, out of respect for people who come in, out of respect for people who are watching live stream or maybe even tomorrow, and I hope this will not be a pattern going forward where questions are directed specifically to Mr. Emery, but they have to be answered by our members of color on the Board. My recommendation to you, people of color,
let it be. You being from the hood at some time in the past, there's no relevance to your position on the Board. It does not appease the communities that get dragged out of their cars on cell phone camera, the communities that get ticketed a hundred dollars for a $2.75 jump on the turnstile; it doesn't benefit us. It doesn't show the Board that you have pompons out, that you are a rah-rah-sis-boom-bah. It's something that communities of color have borne for two, three and four hundred years, and there's always a person of color that has to stand up and justify and give reasons for and objections to other people of color experience.

And I'm a professional woman, I've learned long ago never to do that, because at the end of the day, it will be your own people dragged out of cars, excessively ticketed, shot, murdered or called abusive names.

Although your paycheck may allow
you to move from it, we'll not allow you
to come in and make excuses for a white
supremist organization that continues to
brutalize, terrorize and murder in our
communities.

So with that said, I will go on
to my topic for discussion.

First and foremost, I've had an
opportunity -- first and foremost, I
would like to say that I did have the
opportunity to review the September 2015
statistical report.

Once again, the CCRB fails
miserably to cite the statistical issues
that I continue to bring to this Board.
Again I ask, should I choose to follow a
substantiated case with APU charges to an
APU court, where does that document tell
me where I need to be? I see that
there's a substantiated chokehold in
2015, September, what is the case number
for that case? Where does it
correspondence to the APU trial calendar
in order for me to be present and have a
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voice and stand up for our communities?

This is the type of cloak and
dagger, sir, that you in New Jersey I hope that you do not do. If you take the
time now to review the statistical
reports for a period of time, in, say,
approximately nine months, ten months,
you will see that critical statistical
information has been absent from those
reports, such as the substantiated cases
by precinct and by borough, the mediation
by borough, and my request last month, I see it added back but it's still cloaked
in missing information. That still does not allow our community to fully and completely engage in the civilian complaint process.

We are still cloaked and shielded from the civilian complaint process.

That must mean that the communities in the 41 Precinct, the 40 Precinct, the
47 Precinct, the 46 Precinct, the 42 Precinct are not allowed to be present at APU trials for substantiated charges
in their own communities. And I come here out of my own way and spend my own time, and it is at this point a joke. I don't know whether I'm on Saturday Night Live, Mad TV or some type of skit, because for you as a Board to sit there with dignity every month in front of us and think that you are doing a good job, it must be a joke. Ashton Kutcher may run out and tell us all that we are being punked, because you have to do better than this. And I could not come here every single month asking for information that you already hold, that is already available to you, that for whatever reason you refuse to provide to the community, though why after we saw that chokehold for a broken windows offense or an alleged offense the community is actively engaged in putting a stop to police brutality.

We want to identify the officers that are in our communities and get transferred to other hood communities to
say, "No, you won't be here. You are here, but you won't be here." But if I can't be present at an APU trial, I won't know who that is, and I have to rely on who, the police commander, the police lieutenant, the XO, who continually and continually disrespect us and lie to us month after month, year after year, decade after decade?

Just today, the police department got busted creating its own parking lanes on Schermerhorn Street. They bought white paint and pretended to create their own parking lanes in the bike lane. What's the big deal about that? But you know what that is? That is the manifestation of the NYPD feeling that it has to obey no rules; no rules apply to them. They don't have to respect anyone: They bike ride on the street, the pedestrian walking, the Department of Transportation that my tax dollars went to stripe those bike lanes down and you gonna come with your own paint from Home Depot and write
"cops" on the street so you can park freely as you choose?

A lady came to the 46 Precinct one year ago to complain that the Police Department parks on her curb, on her sidewalk, breaking down her sidewalk. A year later they are still doing it on the side of the 46 Precinct. This is what this Board has allowed them police to do with the toothless pandering to the Police Department.

Last month I came here on a Wednesday. The following day I had expectation, after following the democratic process, that, as the precinct community guidelines prescribed in terms of attendance and conduct, to be elected as the recording secretary of the PSA-7. I attended the September meeting, the October meeting, the November meeting, the December meeting, the February meeting, the April meeting, participated in a vote and did the democratic process, have the commander
inform me that I was excused from my duties. Because again, I say, the NYPD is an inherently corrupt and racist institution, and only wants to put in place in precinct council boards people and I will use my own precinct as an example, the vice president didn't even know what the word "abstention" meant for the vote for my removal.

These are the type of people that precinct commanders prefer to be in place in our communities because they will cheerlead, they will dance, they are ill-informed and they kowtow. I have said this for one year and I will continue to say it, and I would hope that going toward that is my request every month that I come here, that you guys do the very best you can with the information that you have, and I'm speaking to the people of color. Because I'm not too far from where you are, and I said that numerous, numerous times.

It is weary and it's been a weary
fight since the days of slavery, but we shall not give up. We shall be present, we shall be engaged, we shall confront and we shall expose, even if it means you.

Those videos that are present every month on YouTube that show the PSA-5 shining lights in people's faces; that's a discourtesy, that's a misconduct. You have a First Amendment Constitutional right to record any police activity in the public's sphere, any police activity investigation as long as it is a safe distance away from said investigation. Police Departments in the City of New York continue to violate those rights. Body cams won't do it. The control is within the community. The control will remain within the community, and I made it my mission to ensure that the communities take control of the NYPD, because they're out of control. Completely out of control.

I have watched the transit bureau
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of the 40th Precinct for the entire
summer conduct covert investigations
against people entering the trains in the
transit system daily for which I have
pictures and video. They lay behind
columns, they lay in doorways, they hide
behind fare machines. If you want to
deter fare-bearing, stand in plain sight.
Be proud to serve in your position. Do
not extort communities of color for a
hundred dollars when the fare is $2.75.

I get on the train every day at
Bowling Green. Police officers are in
plain sight. If I use the Wall Street
station, police officers are in plain
sight. Why are they cloaked and why are
they hiding in stations in communities of
color? Because, as we saw in Ferguson,
communities of color support the
economies of cities through excessive tax
fines and summonses. We know that
already, and we are exposing it.

And as long as the CCRB does not
take an active role in calling out that
nonsense, I will be here every month to expose you. And I will respectfully request that the members of color do not back up her comments. Can you do at least that for me?

Thank you very much.

CHAIR EMERY: The Executive Director's report.

EXECUTIVE DIRECTOR MALIK: First of all I'd like to thank Lauren Click, the Director of Community and Public Programs at the Bronx Museum of the Arts, for assisting us in being here tonight.

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

The year-to-date, civilian complaints have decreased by 15 percent, from January to September 2015, CCRB received 3,289 complaints compared to 3,857 complaints in the same period in
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2014.

By category of allegation year-to-date, discourtesy complaints have decreased by 25 percent, force complaints by 16 percent, offensive language complaints by 19 percent and abuse of authority complaints by 7 percent.

I want to direct -- all of you -- your attention to the screen here because we do have some slides to illustrate the statistical analysis that we've done this month. From January to September 2015, the agency has received a monthly average of 365 complaints compared to an average of 429 complaints for the month in the same time of year last year. In September the CCRB opened 401 new cases, which is down from 433 in August, however up from 345 in September of last year.

In September the CCRB's total open docket is 1,195 cases. By the end of September, 655 of these cases were in the Investigations Division, representing 54 percent of the total, down from 670 in
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August. Of the total docket, 370 cases were pending Board and/or Executive Staff review; that represented 31 percent, down from 477 cases pending review in August.

The mediation program handled 170 cases, representing 14 percent of the open docket, up from 150 cases in August, and there were an additional 11 cases on D.A. hold in September. The CCRB continues to close its cases more efficiently. Of the cases that remain on the CCRB active docket, 91 percent have been open for four months or less, and a record 98 percent have been open for seven months or less. Continuing the trend from August, these docket numbers continue to be the best docket numbers since the creation of the office as an independent agency from the New York City Police Department.

Our investigators closed 1,689 full investigations from January through September 2015, compared to 1,444 for the same period last year and resulting in
17 percent more full investigations. Year-to-date, the average case to full investigation has decreased 27 percent, from 2014 before the reforms to 2015. In 2015 the fully resolved -- the case -- the CCRB has fully resolved more cases than it has truncated. This reverses a negative trend from the previous years in which more cases could not been fully investigated because the complainant or victim withdrew the complaint, was uncooperative, unavailable or unidentified. In September the CCRB fully investigated 52 percent of the cases it closed and mediated or attempted to mediate and additional 6 percent. In September, 39 cases were truncated versus 56 in August, representing a 17 percent decrease. The CCRB continues to work to lower the number of truncations. We continue to increase interviews outside of the CCRB offices in lower Manhattan in order to provide easier access to the community.
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Year-to-date our investigators have interviewed 2,018 complainants and witnesses, 1,813 of these were interviewed at the CCRB and an additional 205 were interviewed at other locations. This means that we've conducted 10 percent of the interviews at other locations, which is a steady increase in interviews conducted outside of the CCRB offices from 8 percent in 2014, 7 percent 2012 and 2013, and only 4 percent in 2010.

The September, 2015 case substantiation rate is 29 percent; it's the highest in CCRB history. September marks the sixth straight month that the CCRB has substantiated more than 20 percent of its cases that it fully investigates. In comparison, the case substantiation rate was 17 percent in September 2014, the CCRB also substantiated 17.4 of its percentage of allegations, which is also the highest percentage in recent CCRB history.
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With regard to fully investigated allegations in September, the Board substantiated 5 percent of force allegations, 24 percent of abuse of authority allegations, 19 percent of discourtesy allegations, and 12 percent of offensive language allegations.

Investigations using video evidence substantiated allegations in 51 percent of the cases compared to 22 percent of substantiated cases in which video was not available. In September the substantiation rate was 97 percent for 34 cases in which police misconduct was substantiated by the Board and sent to the Police Department Advocate's Office for penalty recommendations. The department's decline-to-prosecute rate for this time period was 3 percent. The discipline agreement rate was 76 percent for these 34 cases in which the Police Commissioner communicated a decision in September.

In September the police
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commissioner finalized verdicts against 31 officers, 19 of these were guilty verdicts, one by the CCRB Administrative Prosecution Unit, which prosecutes the most serious allegations of misconduct. The APU has conducted trials against 99 respondent officers year-to-date and trials against 13 respondent officers in September.

The new monthly report now contains a table of contents, glossary and appendix, and it's all meant to assist the public in navigating the report. In response to feedback from Community Member Shanon Jones, who is here with us tonight, and other members of the public the monthly report has been modified. It now includes a breakdown of complaints by precinct and borough of occurrence on pages 14 to 16, as well as Board substantiation by precinct and borough of occurrence on pages 22 and 21. Additionally, penalties for allegations imposed by the Police Commissioner for
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non-APU cases according to borough, precinct and FADO-type allegations can be found on pages 25 to 27. And we have also included a disposition information for other unsubstantiated, exonerated, and unfounded allegations separately on pages 10 to 14 of the report, and as we go forward, we'll make certain modifications more so for the public. Thank you.

CHAIR EMERY: Thank you.

Joe, do you have a comment?

MR. PUMA: Yes. Thank you for describing so well the issues in the report.

I guess one suggestion that I heard at a recent meeting that Ms. Jones had been at, it was of particular interest to me, and I'm wondering if we could internally discuss it (inaudible), distinguishing complaints against plainclothes officers and uniform officers. I thought that was very interesting suggestion and could be
helpful to present and for us to understand as members of the Board.

CHAIR EMERY: Thank you, Joe. It makes a lot of sense.

Any further comments?

(NO response.)

CHAIR EMERY: O.K., so any committee reports?

BISHOP TAYLOR: Yes.

CHAIR EMERY: Thank you.

BISHOP TAYLOR: Well, as you know Outreach has been very busy and they've been aggressively trying to fill all the positions that we have open to expand our Outreach. I will first say that we do have two of our new Outreach persons here, Sylvia and Gregory, and both of them are fully trained on presentations and have already gone out and have been very successful.

Our -- we decided to take a step back as we were interviewing for the new members of the Outreach team, so our average of 25 presentations per month has
kind of dropped to ten per month over the last five or so months so that they could reorganize and restrategize for the launch of this new initiative that way.

We're still on track with a lot of initiatives. Several new initiatives that I will mention involve going to police roll calls, Police Precincts and Council meetings, we've actually done 20 of those meetings already, NYCHA meetings, the TA President Association. We've done seven. We're also collaborating with the ARCHERS probationers so that we can do Outreach there.

We're doing Outreach to the homeless community and we have already completed an Outreach to that community and also five events completed with the LGBTQ community, some of the things that we mentioned in the previous reports. I'm just highlighting them now cause they have actually been completed since that last report.
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And so we still have three open positions, three of -- these three positions are going to be interviewed by Outreach over the next week or so, and we're just excited about the automation and some of the things that we're using as Outreach tools to be more effective, so that's kind of an abbreviated report.

CHAIR EMERY: Any other reports? Any other comments? New business, old business?

(No response.)

CHAIR EMERY: All right. Well, I think we are adjourned to Executive Session.

Do we have a motion to go into Executive Session?

MR. CARCATERA: (Indicates by raised hand.)

MS. CORTES-GOMEZ: (Indicates by raised hand.)

CHAIR EMERY: All in favor?

(Board members indicate by raised hands.)
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CHAIR EMERY: Any opposed?

(No response.)

CHAIR EMERY: Thank you all for coming.
CERTIFICATE

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

I, KATHLEEN T. KEILTY, a Certified Shorthand Reporter and Notary Public within and for the State of New York, do hereby certify:

That the foregoing transcript is an and accurate transcription of a video recording, stenographically transcribed by me, to the best of my ability, as amended.

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

IN WITNESS WHEREOF, I have hereunto set my hand this 7th day of November, 2015.

KATHLEEN T. KEILTY, C.S.R.
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