CIVILIAN COMPLAINT REVIEW Board

PUBLIC MEETING

January 13th, 2016

6:30 p.m.

37-44 21st Street
2nd Floor, Meeting Room A
Long Island City, New York

TRANSCRIPT OF PROCEEDINGS

BEFORE:

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

Reported By:

Cecilia Navarro

PUBLIC MEETING AGENDA:

1. Call to Order
2. Adoption of Minutes
3. Report from the Chair
4. Public Comment

5. Report from the Executive Director

PUBLIC MEETING AGENDA (Continued)

* Monthly Report

6. Committee Reports
* Mediation Report
* Outreach Report

7. Discussion: Panel Votes Being Made Public

8. Old Business

9. New Business
BOARD MEMBERS PRESENT:

Richard D. Emery, Esq., Chairperson
Lindsay Eason, Commissioner
Youngik Yoon, Esq., Commissioner
Salvatore Carcaterra, Commissioner
Joseph A. Puma, Commissioner
Bishop Mitchell G. Taylor, Commissioner
Deborah N. Archer, Esq.

Mina Q. Malik, Esq., Executive Director.
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CHAIR EMERY: So we'll call the January 2016 meeting of the Civilian Complaint Review Board to order. Happy New Year everybody.

So are you ready, Sorin? Are you all set? Good.

Welcome everybody, formally. We've said hello, but nice to have everybody here.

The adoption of the minutes? Does anybody want to move the minutes?

COMMR. TAYLOR: I move.

CHAIR EMERY: Second?

COMMR. PUMA: (Raised hand.)

CHAIR EMERY: Okay. Any opposed?

(No response.)

CHAIR EMERY: Okay. Minutes are adopted.

I have very little to take our time tonight. The report from the chair is simply that I wanted to say happy new year to everybody, first of all. And second of all, tell everybody that we had an All-Hands Meeting earlier this week, and I must say that staff of the CCRB seems incredibly invigorated and
excited about the upcoming year.

We'll hear later shortly some of the results from the past year. It's been a remarkable year for the CCRB. I venture to say it's the best year the CCRB has ever had, certainly statistically. And probably from a morale point of view, it's hard to imagine it being much better, but I wasn't there so I can't compare. And we just have an Agency that I think is running extremely well, that's not to say for a minute that it can't improve. It will improve, over the next year and beyond, in many respects, with the kind of creativity and hard work that's taking place there, and with the help of the suggestions and the ideas that come from the outside, from anywhere that can aid us in our mission of oversight. So we are very excited about what's about to happen, and we're very proud of what already has happened. And that's sort of where we start.

To one specific issue, and that's the only other thing I have for the Board, unless people here want to discuss things
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Further on other matters, the question came up, which we tabled at the last meeting, of the request by the Police Department for us to provide them with information about which Board panel members vote in which way on subbed cases that get transferred to the Department. Since that time, as a result of the discussion at the Board and request of Board members, I have asked the Police Department what the reason is for their request, because they really gave no reason. They just asked for this information.

There was a newspaper article about it in the Daily News during this -- a couple of weeks ago. I guess it was a couple of weeks ago. And they -- a public part of DCPI from the Police Department gave some reason which was unclear. So we've asked formally and they have not as yet responded as to giving -- as to providing us with any reason for their request.

So my feeling is, at this point, there's really no reason to do anything, or change any of our practices until we're provided with some reason which we consider to be sufficiently important to debate here so
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that we can evaluate that, do whatever research
is necessary, and make our decision as a Board.

So if anybody else has any
comments on this, I'm happy hear them. I'd
like to hear them. But my thinking is: We
don't do anything for the time being.

COMMR. EASON: I'm okay with that.

CHAIR EMERY: We're all okay with
that?

(Board members nod heads.)

CHAIR EMERY: Okay. Good. And
really, that's all I have. I do want to say
that we're going to change a little bit on the
agenda. I think it makes sense, as I said in
the past, to have Mina give the Executive
Director's Report before public comments so
people can comment on the materials passed out,
and also on her report.

If that's okay with everybody else,
we'll change the agenda in that regard.

(No response.)

CHAIR EMERY: Mina.

EXEC. DIR. MALIK: Thank you. Good
evening. My name is Mina Malik. I am the
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I will discuss matters pertaining to the operations of our agency and provide you with highlights from our monthly statistical report. For a full view of the Agency's monthly statistics, please visit our website.

Directing your attention to the screen to your right, year-to-date civilian complaints against police have decreased by six percent. From January through December 2015, the CCRB received 4,469 complaints, compared to 4,775 complaints for the same time period in 2014.

By category of allegation, year-to-date discourtesy complaints have decreased by 17 percent, force complaints by 13
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percent, offensive language complaints by 15 percent, and abuse of authority complaints by three percent.

From January through December of 2015, the Agency received a monthly average of 372 complaints compared to an average of 398 complaints per month for the same time period in 2014.

In December, the CCRB opened 342 new cases which reflects a decrease from 375 in November, and an increase from 284 in December of 2014.

In December, the CCRB's total open docket was 1,033 cases. By the end of December, 547 of these cases were in the Investigations Division representing 53 percent of the total; down from 679 in November. Of the total docket, 341 cases were pending Board and/or Executive Staff review; representing 33 percent up from 339 cases pending review in November.

The Mediation Program handled the 132 cases representing 13 percent of the open docket, which was down from 151 cases in
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November. There were an additional 13 cases on DA hold in December. The December 2015 docket includes 13 reopened cases: Nine of these cases are active investigations, and four are pending board review.

The CCRB continues to close its cases more efficiently. Of the cases that remain in the CCRB's active docket, 95 percent have been opened four months or less, and 99 percent have been opened for seven months or less. These docket numbers continue to represent the best docket numbers since the creation of the Agency in 1993.

Investigators close 2,178 full investigations from January through December 2015, compared to 1,885 for the same time period in 2014, which resulted in 16 percent more full investigations.

Year-to-date, the average days to close a full investigation has decreased to 28 percent from 2014 before the reforms to 2015.

In December 2015, the CCRB fully investigated 35 percent of the cases it closed, and resolved 46 percent of the cases
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it closed.

The Agency continues to face the challenge of truncations with the rate of 54 percent for the month of December.

I would now like to highlight other key statistics for the month of December:

The December 2015 case substantiation rate of 30 percent is the highest in the CCRB's 23-year history.

December marks the ninth straight month that the CCRB has substantiated more than 20 percent of cases it fully investigates. The CCRB also substantiated 21 percent of its allegations in December.

With the regard to fully investigated allegations in December, the Board substantiated 14 percent of force allegations; 27 percent of abuse of authority allegations; 17 percent of discourtesy allegations, and no offensive language allegations.

In the next chart, investigations with video evidence substantiated allegations in 43 percent of cases, compared to 25 percent of substantiated cases in which no video was
Proceedings available.

The discipline rate for non-APU cases was 90 percent in December for cases in which police misconduct was substantiated by the Board and sent to the Police Department Advocate's Office with penalty recommendations.

The Department decline-to-prosecute rate for non-APU cases for this time period was five percent.

In December, the Police Department notified the Agency that the Police Commissioner would be reversing a trial judge's guilty verdict in one case to rule the officer not-guilty. Despite the Agency's opposition, the police commissioner overturned this guilty verdict. Fifty-eight cases closed as guilty after trial have been reviewed and finalized in 2015. The APU has conducted trials against 131 respondent officers year-to-date, and trials against 23 respondent officers in December.

The average number of days it takes for panels to vote after they have received a complete case load has continued to decrease as well. It took 16 days for the forth quarter of
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2015 below the Agency's benchmark of 21 days.

Finally, the month's full report includes new features and data previously requested. And I refer you to the full monthly statistical report for those graphs and charts.

CHAIR EMERY: Great. It's very interesting to me that the substantiation rate has gotten to 30 percent. And I think the reality is, is that that's due primarily to two factors: video and the speed with which cases are now resolved, which means that witnesses and recollections are clearer of both by police officers, and complainants, and witnesses. So it seems to me that it's interesting that because the quality of our investigations has increased dramatically, in my view, certainly because I have a good sample, and there's no question that our investigators are be doing a much better job, much more thorough, because the case loads are lower and they have a lot -- they have fewer cases that they have to produce more quickly. So overall, they produce more cases, but at any one time, they can concentrate on fewer cases, and the result of
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that is higher quality investigations and much quicker investigations. So what you're seeing here is a transformation that I must say even surprises me with my highest hopes of what we were going to accomplish this last year.

So with that, I think because of the - just the sequence of things we have to do tonight, it makes sense to have the public comment now. And first on my list is Chris Dunn and then Mr. O'Grady. And we only have two public -- people who want to comment tonight publicly. So if anybody else does, just let me know, and we'll certainly add you to the list.

So Chris, you want to step up to the mic and say your piece?

MR. DUNN: Sure. What should I be doing with this?

CHAIR EMERY: Well, whatever you want.

MR. DUNN: I don't want to mess around with the equipment.

All right. Good evening. Richard, you said at the outset that this is perhaps the
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best year the CCRB has ever had, and I recognize that the CCRB as an Agency has had a very good year. I see lots of statistics that indicate the Agency is much more efficient and you're all to be congratulated on that, but I will tell you, and I say this with all due respect --

CHAIR EMERY: There's a but there.

I know there's a but there.

MR. DUNN: There's a but there.

I'm much more interested in hearing how the NYPD is doing. This is what you're here for. And I just have to say that month in and month out, I hear about how quickly cases are disposed off, and how long panels have cases, and new arrangements within the CCRB. I never hear anything about what's happening with policing on the streets of New York.

CHAIR EMERY: Just let me respond to that quickly, because quite frankly I think that is really something that, at least I feel, other people may feel differently, but I feel it's the subject matter of what our reports are for. And we do -- we have a number of reports
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that are coming very shortly, and we've done a
number of significant reports, and you're going
to see an annual report that is going to say a
lot about things other than our statistics,
because we look at trends, and we look at
matters that concern the Police Department.
And quite frankly, I don't think it behooves us
as a Board or as individuals on a Board to make
off-the-cuff or visceral, vocal remarks at
meetings. And it's much more -- it's much more
professional, and much more proper, much more
-- when it's carefully done in the context of
reports, which are more thoughtful and have
more fundamental analysis in them than what
happens at a meeting. So I doubt that you'll
ever hear at one of our meetings -- maybe
sometimes, depending on the context of a
particular issue, but I think it will be very
rare when our meetings will ever make judgments
about the police in general terms.

MR. DUNN: Okay. Well, I'm not
quite sure about judgments about the police in
general terms. I will tell you that if what
you are saying to me and to the public is that
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these meetings are for you guys to talk about yourselves, and not to talk about the Police Department and policing on the streets in New York, I don't know why anyone would come to these meetings because --

CHAIR EMERY: Well, nobody does come. (Laughter.)

MR. DUNN: Maybe that tells us something important.

CHAIR EMERY: No, I don't think it does. I think you hit it on the head. I think it would be irresponsible of us to be holding public meetings about police accountability. We have to be much more careful about our judgments concerning police accountability than those at meetings. There may become a time when we have a report that will be the subject of the meeting, and then we'll talk about what's in a report. I can imagine that perhaps occurring. But I think you're right. These meetings are to talk about the functioning of the CCRB and to have the public, to the extent it wants, which is obviously very limited,
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listen to those -- that information, and make
comments about the functioning of this Agency.

MR. DUNN: Okay. Well, to be very
clear, when you say, "I'm right," I am not
suggesting for a moment that's what these
meetings should be. I'm telling you that it's
wrong for these meetings to be like this.

And I'm not suggesting people talk
off-the-cuff. You have an enormous amount of
information. You deal with the Police
Department on a regular basis. You have people
coming in to you day in and day out saying this
police officer did this, this police officer
did that. You see what the Department is doing
in the way of responding to your complaints.
You're seeing substantiating information.
There's an enormous amount of information you
have about the Police Department and policing,
and you do not have to be talking off-the-cuff
for this Agency to talk about policing.

I've been coming to these things
for 15 years. There was a time when people all
the time talked about the Police Department.

CHAIR EMERY: When was that and who
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was that?

MR. DUNN: Before this Board.

CHAIR EMERY: You mean?

MR. DUNN: People on this Board would regularly talk about issues like strip searches, like stop and risk, like force, like abuse of authority.

CHAIR EMERY: Really? I had no idea. And quite frankly, my understanding of the meetings in the past was that there was very little discussion about anything, and they went into Executive Session.

MR. DUNN: Well, I can tell as a person who has been here, and sad as it is to say, I'm the one person who has been here for consistently for over 15 years.

CHAIR EMERY: I know, and in fact, we appreciate that very much.

MR. DUNN: So -- and then, let's take your report: I don't think you have to be talking off-the-cuff to be at least pointing to important things that are in this month's report, which gives us year-end numbers. And you know what I'm going to say, I'm going to
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start with the numbers of substantiated cases.

CHAIR EMERY: Yeah.

MR. DUNN: You've substantiated over 500 cases this year, 531, as compared to 315 last year, okay. As compared to much lower numbers every year before that. That is a very big number. That's a very red flag. And Richard, I understand that you have a view about a possible explanation for that, and I don't agree or disagree. I don't know empirically if you are right or wrong, but the fact that all of a sudden there are 500 officers against whom you substantiated complaints this year, I would have thought it would have prompted somebody on this Board to say, you know, what's going on with this, we should look into this. Do we have a problem with greater misconduct with our police officers?

CHAIR EMERY: It's interesting that -- I understand your point and it's well taken, and it's something that we're going to think about and look at. I don't know if the number of officers is correct, because I think the
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number of officers is far less than the number of allegations, but it's certainly up, it's certainly higher.

MR. DUNN: Five hundred thirty-one substantiated cases, according to the report.

CHAIR EMERY: Five hundred thirty-one substantiated cases, right, and that means that -- yes.

MR. DUNN: Five hundred thirty-one cops.

CHAIR EMERY: Five hundred thirty-one, there may be doubles in there. But regardless, my point is that interestingly that's in the context of a significant, not an overwhelming, but a substantial decline in the total number of complaints.

MR. DUNN: Well, the complaints were down six percent, Richard.

CHAIR EMERY: Yeah.

MR. DUNN: Subs went up 70 percent, 69 to be accurate.

CHAIR EMERY: Well, it's interesting --

MR. DUNN: So you know, and keep in
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mind, one thing that's interesting about the complaint number is that, yes, complaints went down six percent, whatever that means, but in an era when police-civilian interactions have plummeted --

CHAIR EMERY: Yes.

MR. DUNN: -- the Police Department and Commissioner Bratton, in particular, has taken great pride, and I don't disagree with this, but the fact that they are dealing with people much, much less frequently, frankly, I would have thought, given that, there would be a much bigger drop in your complaint numbers last year.

CHAIR EMERY: Well, let me say one other thing: There's an anomaly in the complaint numbers which explains to me at least a little bit why the drop is six percent as opposed to larger given what you said about interactions, and that is that during the fall of 2014, there were many fewer -- and you brought this up -- many fewer IAB referrals than there were for some reason that we looked into, and we couldn't document why that was
Proceedings occurring from either September or October through the end of the year. So last year's numbers were down dramatically in a way that seems to have been unexplained. So this year's number comparably are down even more, which is probably a fair look, because IAB is now referring the same proportions as they have traditionally.

MR. DUNN: Okay. Well, that may be, and I understand that you are surmising.

CHAIR EMERY: Surmising, exactly.

MR. DUNN: The Agency has not looked at that. And I will tell you -- and I've been raising this issue about the increased subbed cases for four months now -- the fact that nobody at the Agency, or nobody on the Board has said in a public meeting: What's going on here? How come they're up 70 percent? Is this something we should be looking at? The only person who raises that, the only person who raises that is me, and that's just wrong, okay. I'm not on the Board, and unless you guys are going to take the position that we don't care what's happening
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with the Police Department, all we care is what's happening at 100 Church Street. And I don't think everyone on this Board that takes that position. I think that there are people in this Board who care deeply about the Police Department, and what's happening in the Police Department, and those people have to start addressing policing, because if all we're going to do is have this little bubble talking about CCRB business -- I mean, look, I'm interested in that. I'm a CCRB geek. But that's not what you guys are here for from my perspective. And frankly, I think the people from the City Council who appoint people on this Board will be very disappointed to hear that. I think the Mayor's office, whatever their views may be about the politics of speaking ill of the Police Department or not will be disappointed in that, and even I think the Police Commissioner, who I think has got an open mind about police misconduct issues, would expect his appointees to actually be talking about policing when you're having public meetings, which is your one opportunity in person to engage with
the public whether it's people sitting here or not sitting here, or people watching on video, and a lot of people do watch this on video, or if it's press or whatever. I am just concerned, and I mean this with all due respect, you folks have been mute about what you are here for which is what is happening with the New York City Police Department and the 35,000 people walking around the streets of New York with guns engaging in policing.

CHAIR EMERY: I can tell you this:

That I believe that it's fair to say to this Board that everybody on this Board is extremely interested in the question you pose, and I do believe that the Agency will examine this question, because it is a thorny and problematic statistical and analytical problem. Because in the context of the way that the investigations have changed in this Agency, the substantiation rate has gone up. There are potentially many interesting reasons why that could have occurred. Could it have occurred for the reasons that you may be implying, but you haven't necessarily implied,
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which are -- which is that more officers are
doing more things that raise complaints and
that are substantiated. It may have gone up
because a video. It may have gone up because
the investigations are done more quickly, and
the evidence is better. It may have gone up
because of -- you know, the range of reasons
why it could have gone up. And I think it is
important for us to try and get to the bottom
of why the substantiation rate is going up.

And my guess, my personal guess, my
surmise, my speculation is that the
substantiation rate always should have been
this high or higher, and that it was a function
of the failure of this Agency in the past to do
rigorous investigations quickly that resulted
in many fewer substantiated cases, and that
what we're seeing now is better evidence and
better investigations; and therefore,
documenting of police abuse, which has never
happened in the past. But that's just me
talking. I think that Robia ought to lead team,
or the agency that looks at the statistical
analysis to see if there are statistically
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significant factors which could cause or want
to infer that there is a relationship between
the increased substantiation rate and a
particular factor.

BISHOP TAYLOR: Can I speak?
CHAIR EMERY: Yeah.

BISHOP. TAYLOR: To add to that, I
think that the points -- sorry, the points
you've made are very salient especially the
fact that there may be more officers, or there
may be the same amount of officers doing what
they've always been doing, but the Agency's
efficiencies are actually catching up with what
was already there.

We can't dismiss video. Video has
taken our substantiation rate to a whole other
level. I mean, with your eyes closed we should
know that. So I think that we're living in a
different day and time now.

But I do want to respond to --
because I would be remiss if I did not -- when
you made the comment about little or nothing
was going on in the Board meetings, and then we
right into Executive Session. We've had - been
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doing this -- almost eight years since I've been a Board member, we've have very substantive conversations about many issues; you know, about choke hold, about gun pointing, things that were happening during the public. So I just wanted to mention that. And I think that maybe the last few years while we were in transition with the administration, there was limited interaction because of the challenges that we faced as an Agency internally, which I won't speak on. But I think it would just be too cavalier to say that we were just sitting here, you know, having quick meetings, and going to Executive Session and not having substantiated --

CHAIR EMERY: You're corroborated by me press though.

BISHOP TAYLOR: I'm just saying that --

CHAIR EMERY: I wouldn't believe him, but I believe you Bishop.

BISHOP TAYLOR: I just want to, for the record, since I was here, to say that, you know, I think that the Agency is doing much
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better now, and the efficiencies have
demonstrated that. And I think Youngik is also
someone that was here as well that could
probably speak to that. I just wanted to say
that.

CHAIR EMERY: Fair enough, Bishop.

I stand corrected.

MR. DUNN: Richard, I appreciate
you're saying that someone may look at this or
is going to look at this. I've heard that
before. I would say that this is at least the
third meeting where I have raised a question
about the huge increase in subbed cases. No
one on the Board has ever said a word in a
subsequent meeting as those numbers have gone
up. This discussion takes place only after I
ask about it.

And I will tell you in past years,
Richard, and it will not surprise you, when the
number of subbed cases went down what do think
the Police Department said immediately?
Misconduct is going down. Okay. They did the
obvious thing, which is start with, okay, if
the number went from 300 to 250, people think,
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okay, there's probably less misconduct, and they tap that.

So now misconduct goes from 315 to 531. You know, if that's the relationship we're talking about, the first thing you say is misconduct is going up. It's not going up a little, it's going up a lot. And I don't hear anyone on this Board saying: What's with that? What I hear is people saying no, no, no, no, there's an explanation in our investigative process. The implication of which is: There's no problem with increased misconduct. What are you talking about?

CHAIR EMERY: I don't think anybody is saying that. I think what the year-end statistics warrant is an investigation of this issue, and I think that we will do that. And, you know, it was interesting there was a trend, but now you have a year-end full number to compare with other years, and there is a reasonable basis to do what you're suggesting.

MR. DUNN: Okay. But I still don't hear anyone saying, you included, that the first thing we should be investigating is: Do we have a
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problem on the street?

CHAIR EMERY: But that's exactly what we would be investigating. We're investigating what the cause is, statistically at least and analytically by looking at the cases and going beneath the surface of just the numbers by looking at the actual dynamics of the cases that are subbed as to what the causes are of the increased sub-rate.

MR. DUNN: I just hope that -- I hear you saying that, and I just hope that is a pursuit in the minds of the Board and the staff that does not start with something like it must be some explanation, most importantly, you know, in our investigative process, but starts with the question, which is always raised by this number: Is misconduct becoming more prevalent? That to me is a question -- I understand what you're getting at with the secondary issues, but what I'm saying is what people in this city care about is: Are cops engaging in misconduct; yes or no? We all want there to be less misconduct, that is good for everybody, Okay. But what I am concerned about
Proceedings is, this Agency is not even talking about -- unless I raise it -- what seems to be a huge increase that suggests that there is something more prevalent about misconduct, and I look forward to hearing what the Board ultimately has to say about that.

CHAIR EMERY: Thanks.

Mr. O'Grady.

BISHOP TAYLOR: While Mr. O'Grady is coming can I just say this? I just want to say for the record I think that the Agency has experienced a huge turnaround with staff and Board efficiencies. I think that all of us are probably embracing what we do know is that that's a factor in the substantiation rate going up, hands down it's a factor. Video is a factor. But I think that, you know, Richard, you said it best. You know, we have a year work to study, and we'll see if there's more crime activity or more activity with officers on bad actors on the street, you know.

CHAIR EMERY: And by the way I do think we've started this process by looking at the statistics of the
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disproportionate amount of allegations and
complaints that are associated with a small
number of officers, and that in itself is the
beginning of some of this analysis. We did
this a while ago, and that will have to be
revitalized. And I also think that the proper
way to do this, and I know you go into every
study -- I'm sorry, Mr. O'Grady. Just one
second -- The proper way you go into an
analysis like this is without a presupposition
in mind. It would be nice -- you could say
it's because of more officers, you could say
it's because of better investigations, or video
or both, but the better way to do it is to try
to just statistically look at it, see where the
correlations are the most -- which factors are
the most correlated, and then start to explore
beneath the surface so you're not presupposing
the result.

BISHOP TAYLOR: Mm-hmm.

CHAIR EMERY: Any other comments
before Mr. O'Grady speaks?

(No response.)

Okay. Thanks, Mr. O'Grady. The
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lectern is yours.

MR. O'GRADY: The New York HPD felt it was important for the tenants to have an invoice receipt payment to O'Grady Plumbing Contractors who performed prior -- who performed work prior to the racial incident or race card played.

The Cooperation Counsel, 100 Church, had put this Negra developer off the property, off the property. The tenants were told that due to a missing $200,000. Some of us may think that, well, that's nothing, but the -- an HPD, or somebody from Corporation Counsel was introduced to the tenants as the job foreman, J-O-B, foreman, and will be running the building, because this Negra developer had been put off the property by the Corporation Counsel. This is -- I was given a written summary by Corporation Counsel, and it was supported by Rita Dumain, second, also at Corporation Counsel, the missing $200,000.

So I mean, why is he -- if he's missing $200,000, why is he jumping racial with the plumbing contractor who is fixing the
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plumbing in my apartment?

The plumbing contractor told me that he was racially attacked by the Negra developer. And mind you, this is Central Harlem. All you gotta do is -- to get a crowd is start shouting Malcolm X, and people start opening their windows, and crowds start forming if someone starts shouting Malcolm X.

The plumbing contractor told me they were racially attacked and they couldn't get the job done. But they started it. They had they started the plumbing -- correcting the plumbing. They told me that HPD paid them for the work that they did do before the incident with the Negra developer.

Now, mind you, this Negra developer had been put off the property because HPD said the $200,000 was missing. The Negra developer showed up in luxury automobiles, luxury automobiles. But Corporation Counsel say that their job foreman will be running the building.

He declared bankruptcy, but he was -- the tenants were supposed to vote on
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whether he come back and do -- if the
Corporation Counsel got him out for
debt for $2,000 -- $200,000, that's
$200,000. It's not -- $200,000, that's grand
larceny. That's what I was told. I mean, the
tenant, what he did was he got in front of a
Chinese bankruptcy worker, and he told
bankruptcy, the Chinese bankruptcy worker that
the tenants already voted, that the tenants
want him back.

In fact, the senior tenants had put
this guy off the property themselves, but
through 111 Center Street -- something, 7
April -- in favor of a 7A administrator. The
senior tenants put him out twice, but he came
for -- he -- well, he -- Corporation Counsel
said if he lied and submitted false documents,
that, that it's supposed to be taken up by the
district attorney.

But as Norman Siegel says, the
assistant district attorney, they, they rarely
go against their bread and butter. But the
district attorney in Harlem say that the
police is not their bread and butter.
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He disagrees with Norman Siegel about the police being their bread and butter, but that's not what Norman Siegel said before this Board, that the district attorney is not going to do anything because the police will provide the bread and butter for the district attorney.

Now, there are fallopian tubes functioning with the uterus, the uterus, or the womb, functioning fallopian tubes, move material from the uterus, a womb, to the woman's breasts.

The Riverside Press -- the Riverside Press New York Dictionary lists that location of the City of Sodom as Palestine. That's the historical location of the City of Sodom, S-O-D-O-M.

The Palestine, historically, I was surprised, I was surprised that that was Palestine. That's the way Sodom existed. It was -- it started and occurred in history, Palestine.

I waiting for the Central Park uptown bus, at 86th Street, two Caucasian women, 30s, 20s ages, they walked south holding hands,
they holding hands. Another passenger said, he said, "There go two lesbian women." Another passenger said, "How do you know it's not a mother and a daughter?" A passenger said "No, no, no, no, that's two lesbian women. They're holding hands walking south on Central Park West."

CHAIR EMERY: Mr. O'Grady, are we about almost done?

MR. O'GRADY: Yeah, I'm going to wrap this up.

CHAIR EMERY: Thank you.

MR. O'GRADY: The Zonderun includes the section listed as Ruth and Esther. It's about two women following each other around. It's the section of the book called Ruth and Esther about two women following each other around, two grown women following each other around. The man who claims to know, he says Ruth and Esther is about Lesbianism, the Zonderun. It's a man named J-O-B, a man named J-O-B, Orthodox Jew. He said J-O-B, that man, he was not a Jew.

CHAIR EMERY: Thank you.
Sure. You want to say something more, Chris?

MR. DUNN: I just forgot one.

THING, I'm sorry.

CHAIR EMERY: Sure.

MR. DUNN: Back to the Agency. So I understand that Linda Sachs is leaving. And I just want to say -- I don't usually comment on staff matters, but I'm not the press, but I know Linda for a long time. I think she's been an enormous asset to the CCRB. I think it's a big lost that she is leaving. I wish her well wherever she is going. You're going to have a tough time replacing her. I just want to acknowledge the tremendous work she has done for the CCRB.

CHAIR EMERY: Well, you are absolutely correct about all the things in that regard. I think we all are going to miss her very, very much. And you're absolutely right, she's done great service for us, and I'm very sorry to see her go, and I think we all are. Thank you for bringing it up.

EXEC. Dir. MALIK: So we have Brian
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Connell for the Outreach Report.

MR. CONNELL: Good evening, everyone. We had a very good year of Outreach for 2015. We completed 272 presentations in calendar year 2015, with last month, December, having the highest monthly total with 48 presentations. We completed the highest annual total presentations in the past four years.

Outreach presentation expansion in 2016, we aim to significantly increase the total number of Outreach presentations in 2016. We are well on our way with 60 presentations scheduled for January, which is the highest monthly total since 2012 that have been scheduled.

CCRB presentations by borough and groups: Annual presentations for 2015, remained rather even among Manhattan, Queens, and Brooklyn with 70, 71 and 74 presentations respectively. The Bronx followed with 38 presentations -- someone turned off the lights?

(Whereupon, lights went out.)

MR. CONNELL: Regarding presentations by borough and groups, annual
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Presentations for 2015 remained rather even among Manhattan, Queens, and Brooklyn with 70, 71, and 74 presentations, respectively. The Bronx followed with 38 presentations and Staten Island with 19.

In December, we reached out to largely the specific groups and organizations that we have been focusing on; namely, LGBTQ, NYCHA, probation, youth groups, community boards, Precinct Councils having conducted almost 60 percent of our presentations in December focused on those groups and organizations.

ARCHERS and probationary groups in December -- we did twice the number of presentations that were done through November for ARCHERS sites. We also did 50 percent more presentations to LGBTQ groups.

Regarding staffing, we have just filled the last of our five Outreach Coordinator positions having received the candidate's acceptance of the job offer today. She's a graduate of Columbia University, a fluent Spanish speaker, and has a great zeal.
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for the Agency's mission. She has also done community work in the neighborhood where the majority of the complainants reside. She will start work very shortly, in the coming weeks.

We also have the vacancy as the Director of Outreach. We have selected one candidate that will be moved onto the second ride of interviews, and will continue to interview other candidates as well.

Just a couple of notable events for December: We have done Outreach presentations in almost every precinct throughout the city this year. Also, the LGBTQ Advisory Panel at the NYPD - we attended that meeting in December. Board Member Puma, Robia Charles, and I attended the January -- I'm sorry, the December meeting. And we shared insight on the statistics regarding CCRB complaints followed by members of the LGBTQ community. We were invited to the upcoming meetings as well.

Lastly, we are continuing our initiative to do outreach presentations at police roll calls.

And just to recap from where we were, two precincts agreed to have us present;
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that's the 120 in Staten Island, and the 73 in Brooklyn. And the two others that we're scheduling with right, that's the 75 Precinct and the 77 in Brooklyn.

That concludes my report.

CHAIR EMERY: Thank you very much, Brian.

And do we have a report from Mediation?

(No response.)

CHAIR EMERY: We don't. Okay.

Good.

So any new business? Old business? Any other further comments before we go into Executive Session where we have a couple of cases we have to deal with?

COMMR. PUMA: Just on the matter of the statistical analysis of the increased substantiation rate. I just -- I hope that we also keep in mind or put that analysis in the light of the major training initiatives that have been happening at the Department as well specially regarding stop, question, and risk, and see if there is any connection between that
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rate and those efforts on that side as well.

CHAIR EMERY: Well, that's interesting to see whether we can get the information from the Police Department about which officers were trained in certain -- in the new training, and which officers weren't, and whether there are anyway correlations between that and complaints, or substantiations. Right.

Any other thoughts or comments before we adjourn?

Yes, Bishop.

BISHOP TAYLOR: I'm so sorry, I have to get my facts straight.

CHAIR EMERY: You had to get your cookies.

BISHOP TAYLOR: And my recollection, because I'm old.

So in one of our panels, we were saying, with the advent of video, excuse me, everytime there is -- especially with the professional video, Cop Watchers, there seems to be some confrontation between a trend with the officers saying, "You're too close." And
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so they're asked to back up. So we've seen
some cases where they're like 30 feet, and
they're still asked to back up even further.

So should there be some suggestion
that for the press, or for people that are
trying to publicly video, should there be a
standardized distance that should be, you know,
discussed, or should it be handled in a case --
continued to be handled by a case by case basis.

CHAIR EMERY: Well, that's -- yeah,
go ahead.

COMMR. EASON: Isn't there already
an official distance that they must be --

COMMR. TAYLOR: A safe distance is
a space that's discretionary.

CHAIR EMERY: I don't think it's
specific --

COMMR. EASON: It's not a specific
distance not to interfere?

COMMR. TAYLOR: Right.

CHAIR EMERY: I think
interestingly, that you bring this up, we are I
think within the next couple of weeks, going to
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issue a video report, which the Board will see
before it's finalized, before it's published
for comments, and it goes into some of these
questions from what I've seen so far. It's not
final yet, but it goes into some of these
questions, but it will be interesting to see
your comments and thoughts, and other Board
members' comments and thoughts on this issue.
But I too have had that experience in looking
at videos in panels where it's not clear to me
that the officers are abiding by the patrol
guard -- guide dictate to allow people to video.

COMMR. TAYLOR: And maybe it hasn't
even evolved to catch up with what's happening
with video now. So I know I've read that there
are some statements that have been made, but
not particularly apart of the Patrol Guide.
But there are some other trends that have
evolving, too, and we're not going to discuss
it now, because I think we should probably, you
know, give the Police Department a chance to --
whatnot. I think that there are trends that
are evolving now as a result of videotaping,
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you know, retaliation trends, and things of that nature I think that we'll find in that study as well; new tricks that people are learning.

CHAIR EMERY: Well, the body camera thing is also going to be a very interesting development. It's going to be very slowly, as far as I'm concerned, but I think there are a lot of jurisdictions that are implementing it much more quickly. But it's much more complicated in New York, because there are so many officers, and the attention issues are huge, and getting the right equipment is very complicated so it's an immensely difficult undertaking.

But from what I understand, there are going to be a thousand next summer. And after that, it's going to expand beyond that relatively quickly, I believe.

BISHIP TAYLOR: The one last question I wanted to raise, the reversal of the judge's guilty verdict, 6th on the executive summary?

CHAIR EMERY: That was mentioned by Mina, yes.
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BISHOP TAYLOR: Can we just have a little bit more detail? Is there anymore detail that can be given on that or?

EXEC. DIR. MALIK: So basically it was a June 2012 incident. and I believe the case was tried in July of 2014, and the verdict came down in January of 2015. And I believe that there were various reasons that the Police Commissioner decided to overturn the Deputy Commissioner of Trials verdict in that case which were outlined in a letter to us as an Agency. And although we strongly opposed it, ultimately, it was the Police Commissioner's decision to reverse the guilty verdict finding and institute a finding of not guilty.

CHAIR EMERY: There was video on that case, right Mina?

EXEC. DIR. MALIK: Yes, that's correct.

CHAIR EMERY: It was a force case?

EXEC. DIR MALIK: It was a force case, there was a video, and one of the reasons that the guilty finding was overturned was because the Police Commissioner did not believe that the video supported the finding, the guilty finding
Proceedings in that case.

BISHOP TAYLOR: But the judge did?
EXEC. DIR. MALIK: Correct.
CHAIR EMERY: The judge did and we did.

BISHOP TAYLOR: So I guess it's important just to understand, I guess for the public to understand, that when the APU tries a case and there's a judgement made by the trial judge, that still even in that case, the final arbiter is the Police Commissioner?
EXEC. DIR. MALIK: That's correct.
BISHOP TAYLOR: Okay. I just wanted to be clear for the record.

CHAIR EMERY: Anything else?
Sal, anything?
(No response.)
CHAIR EMERY: Okay. All right.

Move to adjourn anybody?
(Raise of hands.)
CHAIR EMERY: Second?
(Raise of hands.)
CHAIR EMERY: We're going to move to adjourning to Executive Session.
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Thank you all.

(Time noted: 7:25 p.m.)
CERTIFICATE

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

I, CECILIA NAVARRO, a Notary Public within and for the State of New York, do hereby certify:

That RUSSELL MORGAN, the witness whose deposition is hereinbefore set forth, was duly sworn by me and that such deposition is a true record of the testimony given by the witness.

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 22nd day of January, 2016.

______________________________
CECILIA NAVARRO
Civilian Complaint Review Board-Draft
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