

Civilian Complaint Review Board - Final  
May 11, 2016

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Public Board Meeting  
Of the Civilian Complaint Review Board  
Wednesday, May 11, 2016  
7:00 p.m.  
1000 Richmond Terrace  
Staten Island, New York 10301  
  
DEBORAH N. ARCHER, ESQ., ACTING CHAIR  
MINA Q. MALIK, ESQ., EXECUTIVE DIRECTOR

PUBLIC MEETING AGENDA:

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1. Call to Order
2. Adoption of Minutes
3. Report from the Executive Director  
Monthly Report
4. Assembly Member Dan Quart
5. Committee Reports  
Outreach Report
6. Public Comment
7. Old Business
8. New Business

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BOARD MEMBERS PRESENT:

Deborah N. Archer, Esq., Acting Chair

Bishop Mitchell G. Taylor

Youngik Yoon, Esq.

Lindsay Eason

Joseph A. Puma

Salvatore F. Carcaterra

Janette Cortes-Gomes, Esq.

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Mina Q. Malik, Esq., Executive Director

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1 Proceedings

2 CHAIR ARCHER: Good evening,  
3 everyone. I'm Deborah Archer, the Acting  
4 Director of the CCRB, and I want to call to  
5 order the May 11th Board Meeting. We're  
6 going to start with an adoption of the  
7 minutes.

8 Can I have a motion to adopt the  
9 minutes?

10 BISHOP TAYLOR: I'll make a motion.

11 CHAIR ARCHER: Any seconds?

12 MR. PUMA: I second.

13 CHAIR ARCHER: Thank you.

14 All in favor?

15 (Chorus of Ayes.)

16 CHAIR ARCHER: Opposed?

17 (No response.)

18 CHAIR ARCHER: Abstentions?

19 MS. CORTES-GOMEZ: I'll abstain  
20 because I wasn't there.

21 CHAIR ARCHER: So the minutes are  
22 passed. And then we're going to hear from  
23 the Executive Director, Mina Malik.

24 MS. MALIK: Thank you.

25 Good evening. My name is Mina Malik

1 Proceedings

2 and I'm the Executive Director of the  
3 Civilian Complaint Review Board. I would  
4 like to thank Renee Bushelle, the Manager of  
5 Visitor Services at the Staten Island  
6 Museum for assisting us in being here  
7 tonight. Please note that the next meeting  
8 will take place on Wednesday, June 8th, and  
9 will also be located at the CCRB office at  
10 100 Church Street.

11 I will discuss matters pertaining to  
12 the operations of our agency and provide  
13 you with highlights from our monthly  
14 statistical report. For a full review of  
15 the agency's monthly statistics, please  
16 visit our website.

17 In figure number one, in April  
18 2016, the CCRB initiated 381 new  
19 complaints, which reflects a decrease from  
20 453 in March. With regard to complaints  
21 received by type of allegation, comparing  
22 April, 2015 to April, 2016, complaints with  
23 a discourtesy allegation have decreased by  
24 35 percent; complaints with an offensive  
25 language allegation have decreased by 6

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1  
2 percent; complaints with an abusive  
3 authority allegation have decreased by 2  
4 percent; and complaints with a force  
5 allegation have decreased by 7 percent.

6           With respect to figure two on the  
7 screen, in April, the CCRB's total open  
8 docket was 1,080 cases. By the end of  
9 April, 652 of these cases were in the  
10 Investigations Division representing  
11 60 percent of the total, up from 618 in  
12 March, 2016. Of the total docket,  
13 302 cases were pending Board and/or  
14 Executive Staff review representing  
15 28 percent, up from 284 cases pending  
16 review in March. The mediation program  
17 handled 108 cases representing 10 percent  
18 of the open docket, down from 130 cases in  
19 March. There were an additional 18 cases  
20 on DA hold in April. The April, 2016  
21 docket includes 12 reopened cases, 8 of  
22 these cases are active investigations and 4  
23 are currently pending Board review.

24           The CCRB continues to close its  
25 cases more efficiently. Of the cases that

1 Proceedings

2 remain in the CCRB active docket,  
3 95 percent have been open for four months  
4 or less, and 99 percent have been open for  
5 seven months or less. The docket numbers  
6 continue to represent the best docket  
7 numbers in the agency's 23-year history.

8 Investigators closed 542 full  
9 investigations from January through April,  
10 2016, compared to 710 for the same period  
11 last year which resulted in 24 percent  
12 fewer full investigations. Year-to-date,  
13 the average days to close a full  
14 investigation has decreased 56 percent from  
15 2014 before the reforms. In April, 2016,  
16 the CCRB fully investigated 37 percent of  
17 the cases it closed and resolved 50 percent  
18 of the cases it closed. The truncation  
19 rate was 48 percent in April, 2016 which  
20 was down from March.

21 I would now like to highlight other  
22 key statistics for the month of April. In  
23 figure number three, the April case  
24 substantiation rate was 29 percent which  
25 marked the thirteenth straight month that

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1  
2 the CCRB has substantiated more than  
3 20 percent of its cases it fully  
4 investigates. With regard to fully  
5 investigated cases allegations in April,  
6 the Board substantiated 5 percent of force  
7 allegations, 21 percent of abuse of  
8 authority allegations, 17 percent of  
9 discourtesy allegations, and no offensive  
10 language allegations.

11 In figure four, which represents the  
12 substantiation rates for full  
13 investigations without video,  
14 investigations with video evidence  
15 substantiated allegations in 36 percent of  
16 cases compared to 26 percent of  
17 substantiated cases in which video was not  
18 available. The discipline rate for non-APU  
19 cases was 88 percent in April, for cases in  
20 which police misconduct was substantiated  
21 by the Board and sent to the Police  
22 Department Advocate's office with penalty  
23 recommendations. The Department decline  
24 to prosecute rate for non-APU cases for  
25 this time period was 6 percent.

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2 In April, the Police Commissioner  
3 finalized penalty decisions against seven  
4 officers; two of these were guilty  
5 verdicts, one by our Administrative  
6 Prosecution Unit. And the APU has  
7 conducted trials against 54 officers  
8 year-to-date with -- and trials against six  
9 officers in April alone.

10 That is the Executive Director's  
11 report for the month.

12 CHAIR ARCHER: Thank you.

13 Does anyone have any questions?

14 (No response.)

15 CHAIR ARCHER: Unfortunately  
16 Assembly Member Dan Quart couldn't join us  
17 and hopes to be with us at our June  
18 meeting. He's going to talk about a bill  
19 he's proposing that relates to the  
20 categorization of footage made by body  
21 worn cameras, and we're looking forward to  
22 hearing from him at our June meeting.

23 Next we're going to have the  
24 outreach report from Raniece Medley.

25 MS. MEDLEY: Thank you.

1 Proceedings

2 Good evening. April was a banner  
3 month for the outreach team. Outreach  
4 staff completed 95 events, raising the 2016  
5 total events for the year to 328, which is  
6 the highest on record for the agency. Of  
7 those 95 presentations, we completed 26 in  
8 Brooklyn, 25 in the Bronx, 22 in Manhattan,  
9 21 in Queens, and 1 on Staten Island.  
10 Year-to-date, of the City's 77 precincts,  
11 only 13 remain before we've touched all  
12 corners of the City. Only four of the  
13 precincts yet to be covered this year are  
14 considered high complaint precincts, which  
15 we classify as those in -- with 50 or more  
16 complaints in 2015.

17 Of the 95 events, the majority of  
18 those events were community and education  
19 events, primarily high school and higher  
20 education. There were nine Precinct  
21 Council meetings, three of which were at  
22 NYCHA PSA precincts. Further regarding  
23 NYCHA, we conducted five presentations at  
24 NYCHA RA meetings, and we covered the NYCHA  
25 Brooklyn West Council of Presidents

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2 meeting, which comprises 27 developments.  
3 The meeting that was Chaired by the Council  
4 President Raymond Ballard, and attended by  
5 more than 20 RA presidents, has allowed us  
6 to schedule NYCHA family day events in the  
7 coming summer months, as well as the  
8 resident association meetings in  
9 developments where we've not had a  
10 presence.

11 On April 16th, we conducted a  
12 tabling session and workshop at the HMI or  
13 Hetrick-Martin Institute, hosted LGBTQ  
14 youth forum. This was -- or Youth Summit,  
15 excuse me -- co-sponsored by City Council  
16 speaker Melissa Mark Viverito, and Council  
17 Members Rosie Mendez, Corey Johnson, and  
18 Carlos Menchaca. We also had the  
19 opportunity to further our outreach efforts  
20 through social media. I participated in a  
21 taping of a weekly talk show with  
22 Stretching Far and Wide Global Ministries.  
23 That was broadcast on YouTube. It was a  
24 great opportunity to provide information  
25 about the work of the CCRB, as well as to

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2 give information about civilian rights and  
3 responsibilities during police encounters.  
4 Thank you.

5 CHAIR ARCHER: Thank you.

6 Does anyone have any questions?

7 (No response.)

8 CHAIR ARCHER: No. Okay. Thank you  
9 very much.

10 And that takes us to public comment.

11 Is there anyone who would like to  
12 come forward to make a comment?

13 MR. O'GRADY: In the interest of  
14 time, I have been omitting the disclaimer.  
15 I disclaim any dishonest person taking my  
16 testimony or excerpts thereof out of  
17 context. I thank three unknown  
18 contributors. I thank the unknown judge.

19 There was one typo in the  
20 March 9th, 2016 transcript; page 34, line  
21 25. It should read, "Indian woman  
22 menstrual flow." Squaw is spelled  
23 S-Q-U-A-W. Menstrual is spelled  
24 M-E-N-S-T-R-U-A-L. This information is  
25 provided -- this information or allegation

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2 is provided by the health food industry  
3 section.

4 A Chairman David Zornow, male baton,  
5 their leadership; WPIX, WABC, W -- Fox,  
6 F-O-X, Channel 5, NBC, CBS, Channel 2  
7 television. Three-legged television  
8 mounts, Spanish language. They found a way  
9 to crowd a jam-packed -- those three-legged  
10 mounts -- all of those channels used to  
11 crowd in there in that small space,  
12 altogether at the same time. Three-legged  
13 mounts, television mounts, they used to  
14 crowd in there. They found a way to crowd  
15 in there.

16 Tracy Catapano-Fox indicated her  
17 family had voted to relocate to the State  
18 of Florida. My CCRB investigator  
19 Stephen J. Rackmill, I was told relocated  
20 to Florida. Winsome Thelwell I was told  
21 inherited or was assigned  
22 Stephen J. Rackmill's case work -- case  
23 load work. Winsome Thelwell inherited his  
24 case load. My attorney told me to tell  
25 Winsome Thelwell the attorney wanted to

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2 speak to her. I had this strange kind of  
3 feeling Winsome Thelwell was evading  
4 contact with my attorney. Chairman Chu,  
5 Daniel Chu and Marcos Soler indicating  
6 they would be dealing through the attorney.

7 Stephen J. Rackmill indicated he  
8 wanted to interview the Sheriff's  
9 manservant. I asked the Sheriff manservant  
10 would he take a call from  
11 Stephen J. Rackmill at his home. The  
12 Sheriff manservant indicated he would take  
13 a call from Stephen J. Rackmill. This is  
14 terminology of the criminal procedure law  
15 rule.

16 I do not recommend or advocate the  
17 use of the double G spelling pronunciation  
18 of the "N" word due to the provocative  
19 element. Niggery -- niggery divorcee woman  
20 involved in real estate cursed out a New  
21 York criminal court judge -- cursed out a  
22 New York criminal court judge five to six  
23 times in his courtroom. On the five to six  
24 times she cursed out the judge, the  
25 criminal court judge ordered or signed the

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2 warrant for her arrest. The Sheriff  
3 manservant, our manservant job to provide a  
4 detailed description of the woman; race,  
5 height, weight, color, age where she can be  
6 found for the police arrest team.

7 Stephen J. Rackmill, CCRB investigator, did  
8 interview the Sheriff manservant, our  
9 manservant. Manservant, our manservant.  
10 This is the CPLR, the Criminal Procedure  
11 Law Rule. That's their terminology.

12 Manservant, our man servant. An unknown  
13 judge ordered this niggery divorcee woman,  
14 real estate woman, bank account garnishee.  
15 The unknown judge ordered this niggery  
16 divorcee real estate woman bank account  
17 garnishee. Money taken from the  
18 niggery -- divorcee woman -- real estate  
19 woman bank account and put into a tenant  
20 bank account.

21 I thank the unknown judge. The  
22 Sheriff manservant, our manservant, CPLR,  
23 that's criminal procedure, terminology  
24 again, they could have used that word  
25 man -- they could just call him a

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2 manservant. A job to go to niggery  
3 divorcee real estate woman bank and get the  
4 money out of her account and put money into  
5 the tenant bank account. The share, high  
6 share indicated niggery woman -- divorcee  
7 real estate woman walked into his office  
8 and cursed him out for taking money out of  
9 her account and giving it to the tenant  
10 bank account.

11 CHAIR ARCHER: Thank you very much.

12 If there are no other public  
13 comments, is there anything else that other  
14 Board members would like to raise?

15 BISHOP TAYLOR: Yes, I would like to  
16 raise something. I'm so sorry.

17 CHAIR ARCHER: Bishop.

18 BISHOP TAYLOR: I'm so sorry. So  
19 the monthly statistics report on the  
20 website is not updated. It has April's  
21 statistics. It doesn't have -- or the  
22 previous month's statistics. We're showing  
23 April --

24 MS. MALIK: You mean March?

25 BISHOP TAYLOR: March, yeah. So I

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2 don't know if -- I tried to refresh it but  
3 it didn't refresh.

4 MS. MALIK: It should be updated.

5 CHAIR ARCHER: We'll check on that  
6 and make sure the most recent statistics  
7 are up.

8 BISHOP TAYLOR: Also too, I  
9 remember, I don't know if it was in  
10 December of last year or January of this  
11 year, when we talked about the taser  
12 report. Do we have any update on where  
13 that is or when that's going to be  
14 released?

15 MS. MALIK: So we're hoping to  
16 release it soon. We're actually waiting  
17 for some additional feedback on it and  
18 we're looking to release it as soon as we  
19 receive some feedback and finalize the  
20 entire report.

21 BISHOP TAYLOR: So how long has it  
22 been in review?

23 MS. MALIK: I would say -- by the  
24 Board?

25 BISHOP TAYLOR: No. I know we've

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2 already reviewed it, but I thought it was  
3 going to be released by now. It had to go  
4 from us to where now?

5 MS. MALIK: Well, it goes from us  
6 and we share it with different agencies so  
7 that they can have -- provide us with some  
8 feedback regarding the information that we  
9 put into the report. So they've taken some  
10 time to read our report, but they should be  
11 providing feedback for us, I believe it's  
12 by the end of this week. They've asked for  
13 a little bit more time to review it.

14 BISHOP TAYLOR: So it's been six  
15 months since we've completed it, right, or  
16 five months?

17 MS. MALIK: I don't think it's  
18 been -- I don't think it's been that long.  
19 I think the taser report went to the Board,  
20 I believe in March.

21 BISHOP TAYLOR: Okay. So it's been  
22 kind of languishing since March?

23 CHAIR ARCHER: I think that  
24 there -- I know I've given feedback after  
25 March, so as additional feedback comes in,

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then the Policy Unit is working on revising the report to address whatever concerns are raised. So I think it's been, not languishing but being -- it's been being worked on and I guess in the next two weeks it should be finalized.

BISHOP TAYLOR: I didn't mean languishing, but, you know, sometimes when we do reports and we send them over to get review and feedback, you know, they get lost and to me, the taser report was kind of interesting, you know. So I wanted to find out if we had a definite date of when we're going to release it because I know we mentioned it in the City Council budget and, you know, along with the other three reports that were not as far along as the taser report. So I just wanted to know if we can have a --

CHAIR ARCHER: It's almost definitely in the next couple of weeks. As definite -- as much as we can commit to a certain date, I would say the next two weeks.

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2 BISHOP TAYLOR: And then one more  
3 question. Has commissions  
4 been -- committees been decommissioned?

5 CHAIR ARCHER: No.

6 BISHOP TAYLOR: Okay. All right.  
7 That's all the questions I have.

8 CHAIR ARCHER: If there are no  
9 further issues from Board members, I'd like  
10 us to move into Executive Session to  
11 discuss some subpoenas and some other  
12 case-related matters.

13 So can I have a motion to move into  
14 Executive Session?

15 MS. CORTES-GOMEZ: Motion.

16 CHAIR ARCHER: Second?

17 BISHOP TAYLOR: Second.

18 CHAIR ARCHER: All in favor?

19 (Chorus of Ayes.)

20 CHAIR ARCHER: Opposed?

21 (No response.)

22 CHAIR ARCHER: Thank you. That ends  
23 the public meeting and we'll convene to  
24 Executive Session. Thank you.

25 (Time noted: 7:19 p.m.)



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<b>A</b>		
<b>ability (1)</b> 20:14	<b>believe (2)</b> 17:11,20	<b>co-sponsored (1)</b> 10:15
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<p><b>weight (1)</b> 14:5  <b>went (1)</b> 17:19  <b>West (1)</b> 9:25  <b>WHEREOF (1)</b> 20:19  <b>Wide (1)</b> 10:22  <b>Winsome (4)</b> 12:20,23,25 13:3  <b>within-entitled (1)</b> 20:12  <b>WITNESS (1)</b> 20:19  <b>woman (11)</b> 11:21 13:19 14:4,13              14:14,16,18,19 15:3,6,7  <b>word (2)</b> 13:18 14:24  <b>work (3)</b> 10:25 12:22,23  <b>worked (1)</b> 18:6  <b>working (1)</b> 18:2  <b>workshop (1)</b> 10:12  <b>worn (1)</b> 8:21  <b>WPIX (1)</b> 12:5</p> <hr/> <p align="center"><b>X</b></p> <hr/> <p align="center"><b>Y</b></p> <hr/> <p><b>yeah (1)</b> 15:25  <b>year (5)</b> 6:11 9:5,13 16:10,11  <b>year-to-date (3)</b> 6:12 8:8 9:10  <b>Yoon (1)</b> 2:5  <b>York (6)</b> 1:7,24 13:21,22 20:4,9  <b>Youngik (1)</b> 2:5  <b>youth (2)</b> 10:14,14  <b>YouTube (1)</b> 10:23</p> <hr/> <p align="center"><b>Z</b></p> <hr/> <p><b>Zornow (1)</b> 12:4</p> <hr/> <p align="center"><b>0</b></p> <hr/> <p align="center"><b>1</b></p> <hr/> <p><b>1 (2)</b> 1:13 9:9  <b>1,080 (1)</b> 5:8  <b>10 (1)</b> 5:17  <b>100 (1)</b> 4:10  <b>1000 (1)</b> 1:6  <b>10301 (1)</b> 1:7  <b>10543 (1)</b> 1:24  <b>108 (1)</b> 5:17  <b>11 (1)</b> 1:4  <b>11th (1)</b> 3:5  <b>12 (1)</b> 5:21  <b>13 (1)</b> 9:11  <b>130 (1)</b> 5:18  <b>139 (1)</b> 1:23  <b>16th (1)</b> 10:11  <b>17 (1)</b> 7:8  <b>18 (1)</b> 5:19  <b>18th (1)</b> 20:20</p> <hr/> <p align="center"><b>2</b></p> <hr/> <p><b>2 (3)</b> 1:14 5:3 12:6</p>	<p><b>20 (2)</b> 7:3 10:5  <b>2014 (1)</b> 6:15  <b>2015 (2)</b> 4:22 9:16  <b>2016 (11)</b> 1:4 4:18,22 5:12,20 6:10              6:15,19 9:4 11:20 20:20  <b>21 (2)</b> 7:7 9:9  <b>212.95.DEPOS (1)</b> 1:24  <b>22 (1)</b> 9:8  <b>23-year (1)</b> 6:7  <b>24 (1)</b> 6:11  <b>25 (2)</b> 9:8 11:21  <b>26 (2)</b> 7:16 9:7  <b>27 (1)</b> 10:2  <b>28 (1)</b> 5:15  <b>284 (1)</b> 5:15  <b>29 (1)</b> 6:24</p> <hr/> <p align="center"><b>3</b></p> <hr/> <p><b>3 (1)</b> 1:15  <b>302 (1)</b> 5:13  <b>328 (1)</b> 9:5  <b>34 (1)</b> 11:20  <b>35 (1)</b> 4:24  <b>36 (1)</b> 7:15  <b>37 (1)</b> 6:16  <b>381 (1)</b> 4:18</p> <hr/> <p align="center"><b>4</b></p> <hr/> <p><b>4 (2)</b> 1:16 5:22  <b>453 (1)</b> 4:20  <b>48 (1)</b> 6:19</p> <hr/> <p align="center"><b>5</b></p> <hr/> <p><b>5 (3)</b> 1:17 7:6 12:6  <b>50 (2)</b> 6:17 9:15  <b>54 (1)</b> 8:7  <b>542 (1)</b> 6:8  <b>56 (1)</b> 6:14</p> <hr/> <p align="center"><b>6</b></p> <hr/> <p><b>6 (3)</b> 1:19 4:25 7:25  <b>60 (1)</b> 5:11  <b>618 (1)</b> 5:11  <b>652 (1)</b> 5:9</p> <hr/> <p align="center"><b>7</b></p> <hr/> <p><b>7 (2)</b> 1:20 5:5  <b>7:00 (1)</b> 1:5  <b>7:19 (1)</b> 19:25  <b>710 (1)</b> 6:10  <b>77 (1)</b> 9:10</p> <hr/> <p align="center"><b>8</b></p> <hr/> <p><b>8 (2)</b> 1:21 5:21  <b>88 (1)</b> 7:19  <b>8th (1)</b> 4:8</p>	<p align="center"><b>9</b></p> <hr/> <p><b>914.381.2061 (1)</b> 1:24  <b>914.722.0816 (1)</b> 1:25  <b>95 (4)</b> 6:3 9:4,7,17  <b>953.3767 (1)</b> 1:24  <b>99 (1)</b> 6:4  <b>9th (1)</b> 11:20</p>
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