

Civilian Complaint Review Board-Draft
July 20, 2016

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CIVILIAN COMPLAINT REVIEW BOARD
PUBLIC MEETING
July 20, 2016
6:35 p.m.
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100 Church Street
New York, New York

TRANSCRIPT OF PROCEEDINGS

B E F O R E:

- MAYA D. WILEY, ESQ., Chairperson
- 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 Chair
- 4. Report from the Executive Director
 - * Monthly Report
 - * LGBTQ Report, Pride Prejudice & Policing: An Evaluation of LGBTQ-Related Complaints from January 2010 through December 2015
 - * LGBTQ Symposium, The Rainbow Crossing: Police Accountability and the LGBTQ Community
 - * APU Update

(Agenda continued on following page.)

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PUBLIC MEETING AGENDA: (Continued)

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5. Committee Reports

* Outreach Report

6. Public Comment

7. Old Business

8. New Business

BOARD MEMBERS PRESENT:

- =====
- MAYA D. WILEY, ESQ., Chairperson
 - MINA D. MALIK, ESQ., Executive Director
 - DEBORAH N. ARCHER, ESQ.,
 - LINDSAY EASON
 - YOUNGIK YOON, ESQ.
 - SALVATORE F. CARCATERRA
 - I. BENNETT CAPERS, ESQ.
 - JOSEPH A. PUMA

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Reported By:

Nicole Ellis

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CHAIR WILEY: Good evening. My name is Maya Wiley, I'm Chair of the CCRB and have been for three whole days.

It is my great privilege to call this meeting to order at 6:34 this evening. We will start the meeting with the adoption of the minutes.

Do I have a motion?

Mr. BENNETT CAPERS: I'll move.

CHAIR WILEY: Do I have a second?

Ms. ARCHER: Second.

CHAIR WILEY: All those in favor?

(Chorus of ayes.)

CHAIR WILEY: Any opposed?

(No response.)

CHAIR WILEY: Abstentions?

(No response.)

CHAIR WILEY: Okay. The minutes from the June Board Meeting are hereby adopted.

I am going to begin mostly just by introducing myself, since it is my first meeting chairing this incredibly important agency. I say that because we're obviously in a time in this country which

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has been both disturbing and upsetting, I think, to all of us across the country.

I believe very firmly in the importance of civilian review as part of a process for accountability, obviously, and in contributing to what, I think, is something that we all value deeply in this city, as well as across this country, which is an experience where residents are both safe and treated fairly, and where our officers are safe and treated fairly. And that requires many things to happen, but in particular to have a very effective civilian oversight that is, itself, fair and just.

And it is a great privilege for me to be assuming the helm of the Board at a time when the Agency has been making real improvements, particularly over the past year, and I really want to credit the staff and the Board with the improvements. I won't go through the statistics, if you read the minutes from the last meeting, Deborah Archer, who I have to thank for

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her incredible leadership as interim Chair and just guided us through a time, seamlessly, from what I can tell, in the absence of an appointed Chair. But Deborah really went through those numbers at the last board meeting. I think they're real, they're meaningful, and we continue to look forward to working with the public, with the Police Department, and collectively to continue the improvements that have been made, particularly over the past year.

I will say a little bit just about what I've been doing, even though it's been three days. It's been a really busy three days, but I've been spending time, both meeting with the Executive Director, Mina Malik, and her team. We had a large meeting over at NYPD today, as well, so even very quickly having several in-depth meetings, and Deborah and I have met and talked several times so that she could keep me up to speed with the issues that are ongoing and the discussions that have been happening at the Board level. And I

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very much look forward to meeting with each board member individually over the coming month, but also obviously I'll be meeting with stakeholders as well.

So I think for my own perspective as a learning experience as a new Chair, I am really looking forward to meeting with everyone from advocacy organizations to fraternal organizations for the Police Department, as well as representatives who are currently within NYPD and senior leadership, with others in the administration, with everyone who really is a stakeholder in this process of bringing police and community relationships closer together by helping the CCRB be more effective.

So with that, I will just -- I want to make one other, actually, acknowledgment. Which is, Janette Cortes-Gomes is no longer a board member but really deserves recognition also for her service on the Board. And while she's not here tonight, I want to recognize her

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service. It's a tremendous amount of work being on the Board and I'm learning, so I'm both thankful for these individuals being willing to give so much of their time to such an important endeavor.

Before I go to the report from the Executive Director, I just want to open it up if any board members have anything you want to add.

Mr. BENNETT CAPERS: Welcome.

CHAIR WILEY: Thank you. Okay. I will turn it over then to the Executive Director.

EXEC. DIR. MALIK: Good evening, ladies and gentleman. My name is Mina Malik and I am the Executive Director of the Civilian Complaint Review Board. I will discuss matters pertaining to the Agency operations and provide you with highlights from our full Monthly Statistical Report. Our full Monthly Statistical Report is available on our website.

I'd like to direct your attention to one of the three screens in the room.

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With respect to Figure 1, in June 2016, the CCRB initiated 431 new complaints, which reflects an increase from 378 in May. With regard to complaints received by type of allegation comparing from June 2015 to June 2016, complaints with a discourtesy allegation have decreased by 24 percent; complaints with an offensive language allegations have increased by 3 percent; complaints with an abusive authority allegation have increased by 14 percent; and complaints with a force allegation have decreased by 20 percent.

In Figure 2, in June the CCRB's total open docket was 1,002 cases. By the end of June, 655 of these cases were in the Investigations Division representing 65 percent of the total up from 599 in May 2016. Of the total docket, 221 cases were pending Board and/or Executive Staff review representing 22 percent, which is down from 384 cases pending review in May.

Our Mediation Program handled 109 cases representing 11 percent of the open

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docket up from 106 cases in May. There were an additional 17 cases on DA hold in June. The June docket includes 12 reopen cases, 9 of these cases are active investigations, and 3 are currently pending board review.

The CCRB continues to close its cases more efficiently. Of the cases that remain in the CCRB active docket, 97 percent have been open for four months or less, and 99 percent have been open for seven months or less. These docket numbers continue to represent the best docket numbers in the Agency's 23-year history.

Investigators closed 820 full investigations from January through June 2016, and year-to-date the average days to close a full investigation has decreased 56 percent from 2014 before the reforms. In June 2016, the CCRB fully investigated 34 percent of the cases it closed and resolved 41 percent of the cases it closed.

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The truncation rate was 59 percent in June. This is primarily driven by complainant, victim or witnesses being uncooperative, which the CCRB has focused on examining in order to decrease the number of truncations.

A few other key statistics for the month of June are represented in Figure 3. The June case substantiation rate was 22 percent, marking the 15th straight month that the CCRB has substantiated more than 20 percent of cases it fully investigates. With regard to fully investigated allegations in June, the Board substantiated 7 percent of force allegations, 19 percent of abusive authority allegations, 6 percent of discourtesy allegations, and 4 percent of offensive language allegations.

Investigations with video evidence were substantiated in 34 percent of our cases, compared to 17 percent of substantiated cases in which video was not available. Further, 16 percent of video

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cases were exonerated, as against 22 percent of non-video cases; 14 cases were in founded, as against 5 percent of non-video cases; and significantly only 36 percent of video cases were unsubstantiated, as against 48 percent of non-video cases.

Our discipline rate for non-APU cases was 94 percent in June 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's decline to prosecute rate for non-APU cases in June was 6 percent. Also in June the Police Commissioner finalized penalty decisions against 18 officers in APU cases, 5 were guilty verdicts, won by our Administrative Prosecution Unit, 7 were not guilty verdicts, 5 cases were resolved by plea, 1 case was retained by the Police Commissioner without discipline. The APU has conducted trials against 67 officers year-to-date and trials against 6 officers

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2 in June.

3 One of the things that we also did in
4 June was we issued our first LGBTQ report
5 called Pride Prejudice and Policing, which
6 was an evaluation of LGBTQ-related
7 complaints from January 2010 through
8 December 2015. It's the first report ever
9 that this agency has issued of its kind,
10 and I've asked Nicole Junior to please
11 present on the report to the Board
12 tonight.

13 MS. JUNIOR: Good evening, everyone.

14 On June 30th of 2016, the CCRB issued
15 a report on LGBTQ-related complaints. The
16 report entitled Pride Prejudice and
17 Policing: An Evaluation of LGBTQ-Related
18 Complaints From January 2010 Through
19 December 2015, provides a historical and
20 current context regarding the LGBTQ
21 community, both nationally and, of course,
22 in New York City. It also reviews legal
23 sources and procedural guidelines for the
24 NYPD when interacting with members of the
25 LGBTQ community, offers basic statistics

1 Proceedings

2 on relevant CCRB complaint activity from
3 2010 through 2015, provides a qualitative
4 description of disposed allegations, and
5 outlines recommendations.

6 Because the focus of this study is on
7 the behavior of members of service, rather
8 than on who the victim is, the report
9 outlines NYPD patrol guide changes
10 specific to the LGBTQ community. In 2012,
11 the LGBTQ Advisory Committee to the NYPD
12 made several suggestions to the Police
13 Commissioner that the Committee argued
14 would strength the working relationship
15 between the NYPD and the LGBTQ community.
16 The NYPD adopted some of the Committee's
17 recommendations and updated its patrol
18 guide to require, amongst other things,
19 that police officers address individuals
20 according to their self-described gender
21 identity as opposed to what may be
22 reflected in an individual State
23 identification, refer to individuals by
24 their preferred pronouns as opposed to an
25 officer using pronouns based on his or her

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perception of the individual's gender, refrain from profiling individuals simply because of their gender expression or sexual orientation, and stop searching individuals in order to make gender determinations.

Pride Prejudice and Policing analyzes 466 civilian complaints with 1,959 allegations, wherein members of the public reported experiencing police misconduct that involved discrimination or harassment based on sexual orientation, gender identity, and/or gender expression. The 466 complaints were identified by the use of text-based queries regarding slurs specific to sexual orientation, gender identity, or gender expression, or disregard for a complainants preferred gender pronoun and/or name, as well as the CCRB's specific allegation related to misconduct involving sexual orientation.

While the report provides data on complaint characteristics, such as location of incidents by borough and

1 Proceedings

2 precinct, as well as demographic
3 information of victims or alleged victims
4 and subject officers, we cannot say that
5 the NYPD has a problem or that there is a
6 problem because the data just is not
7 baring this out.

8 For example, LGBTQ-related complaints
9 only make up about 1 to 2 percent of all
10 received CCRB complaints each year. There is
11 a low substantiation rate that's 8 percent
12 between 2010 and 2015 and there's a high
13 truncation rate, 59 percent from 2010 through
14 2015. What we can say; however, is that this
15 report is the first by any police oversight
16 agency on LGBTQ issues in the United States,
17 and this five-year analysis has produced many
18 revelations.

19 For example, the report revealed that
20 out of a total of 466 LGBTQ-related
21 complaints examined from 2010 through
22 2015, 192 were fully investigated here at
23 the CCRB. And these 192 fully
24 investigated complaints include 950
25 allegations. The Civilian Complaint

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Review Board unsubstantiated 559 allegations, that's 59 percent, out of which discourtesy and offensive language allegations were most numerous. Both types of allegations are difficult to prove without independent verification. The CCRB exonerated 196 allegations, that's about 21 percent, while 121, 13 percent, of the allegations were unfounded. The CCRB substantiated 74; in other words, 8 percent, of allegations of misconduct.

Another finding is that public space -- excuse me, I'm going too far here -- another finding is that public space was the most common location for alleged police misconduct. An LGBTQ-related complaint was most likely to be filed after an encounter that occurred on the street or highway with 57 percent of all complaints originating from this type of location.

Similar to overall CCRB complaint data, black and Hispanic people composed a

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disproportionate number of victims and alleged victims in LGBTQ complaints. When data on victims or alleged victims with unknown ethnicity removed, however, 49 percent are black, 34 percent are Hispanic, 16 percent white, 1 percent Asian, and less than 1 percent American Indian.

Prior to December of 2015, the CCRB complaint forms included a gender identification question that used a binary gender categorization. From 2010 until 2015, 64 percent of victims or alleged victims within the complaints examined identified as male, while 19 percent identified as female, 16 percent of the victims provided no gender information which could have been due to a variety of factors. When data on victims or alleged victims with unknown gender is removed, then the gender split is 77 percent who identified as male and 23 percent who identified as female.

Members of service at the rank of

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police officer at the time of the incident accounted for 72 of the subject officers in these LGBTQ-related allegations under examination. Officers had an average of nine years on the force at the time of the incident.

The distribution of complaints by borough is similar to overall CCRB trends. For example, Brooklyn accounted for a third of the LGBTQ complaints examined, followed by 31 percent from Manhattan, 20 percent from the Bronx, 13 percent from Queens, and 3 percent from Staten Island.

For the period under examination, a greater number of complaints were generated in some precincts known to have visible LGBTQ populations. For example, Precinct 6, which encompasses the West Village, experienced the highest number of LGBTQ-related complaints between 2010 and 2015. There were 22 complaints from that precinct to be specific.

Video evidence continues to aid the CCRB investigations. However, the

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presence of audio is important to prove the conclusiveness of allegations related to the use of LGBTQ-related slurs. As a result of our findings, the CCRB made several recommendations to the NYPD.

First, the Department's expansion of its body-worn camera program in 2016 should place a great emphasis on audio as well as video. Independent verification can be critical to meeting a preponderance of the evidence standard, which is what we used here in CCRB determinations. Video has been especially instrumental in corroborating allegations of misconduct or exonerating subject officers for using an appropriate response. However, not all video is equal when analyzing LGBTQ-related complaints, many of which involve the use of a slur. Capturing what is said via audio can be just as important, if not more important, than video.

The second recommendation, the Office of the Inspector General for the NYPD,

1 Proceedings

2 along with expert advisors, should conduct
3 audits of the Department to ensure that
4 the 2012 changes to the patrol guide
5 regarding the treatment of transgender
6 individuals are being properly and
7 consistently implemented.

8 The third recommendation, the
9 Department should increase the LGBTQ
10 Liaison Unit's capacity to engage both
11 the community and police officers.

12 Our fourth recommendation, the NYPD's
13 new LGBTQ sensitivity training curriculum
14 and its corresponding student guide should
15 be vetted by LGBTQ organizations, such as
16 the Anti-Violence Project, GLAAD, Lander
17 Legal, the National LGBTQ Task Force, the
18 Sylvia Rivera Law Project, and more for
19 accuracy and best practices.

20 There should also be an assessment of
21 what Academy students have actually
22 learned about their own biases and how
23 seriously these students are taking the
24 trainings, and whether these students have
25 effectively identified the ways in which

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they need to put aside their own implicit biases in order to comply with the patrol guide and professionally interact with LGBTQ individuals as a result of that training. The CCRB also recommends Department-wide training.

It should be mentioned that for years we at the CCRB did not rigorously monitor police misconduct in the LGBTQ community, and did not actively engage LGBTQ New Yorkers, many of whom are not only marginalized because of sexual orientation, gender identity, or gender expression, but also because of the intersectionality of these constructs with both race and class. The CCRB has, none the less, made several advancements in order to remedy our history.

For example, in December of 2015 the CCRB added an option for complainants and/or victims to voluntarily disclose their sexual orientations or gender identity when filing a complaint. For gender identity complainants can now

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2 choose between male, female, trans-man,
3 trans-woman or not described. There is
4 also a space provided for gender
5 nonconforming individuals to indicate a
6 preferred name if it's different than the
7 one provided on their identification. For
8 sexual orientation, complainants can
9 choose between heterosexual or straight,
10 gay or lesbian, bisexual or other.

11 While these options are obviously not
12 exhaustive, expanding categories of gender
13 identity and sexual orientation beyond the
14 binary classification system can enhance
15 tracking allegations of misconduct within
16 the LGBTQ community.

17 Additionally, in 2015 the CCRB
18 increased its efforts to work with
19 communities that felt the Agency has been
20 traditionally unresponsive. In
21 recognizing the specific policing
22 challenges that members of the LGBTQ
23 community face, the CCRB's outreach team
24 has expanded its reach to LGBTQ
25 organizations in 2015. And in the same

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year, the CCRB hosted an event entitled Let's Talk About It, which was a candid conversation between the CCRB leadership and members of LGBTQ advocacy groups.

Last month, the CCRB hosted a symposium entitled The Rainbow Crossing: Police Accountability and the LGBTQ Community, at the Lesbian, Gay, Bisexual, Transgender Community Center here in New York, where featured panelists discussed policy, law enforcement, and grassroots organization considerations regarding policing in the LGBTQ community. We will discuss the symposium in more depth in just a moment.

While we have taken recent steps to address allegations of police misconduct in the LGBTQ community, we continue to think about the ways in which we can better serve our LGBTQ New Yorkers, as well as the ways in which we can assist in bridging the gap between some LGBTQ communities and the New York City Police Department. We look forward to working

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with members of the community and the Department in order to start mending divides that still may exist. We look forward to sharing those developments with you all in the future. Thank you.

(Applause.)

EXEC. DIR. MALIK: So yes, Nicole talks about --

Ms. ARCHER: Mina. Sorry. Quick question for Nicole. You mention there was a high truncation rate these cases. Do the analyses of the cases provide any indication why there's a high truncation rate for this cases

MS. JUNIOR: So in analyzing the truncation rate, what we found was a lot of witnesses became uncooperative and we weren't able to locate them. Many members kind of live transient lives, in that they were homeless, and so difficult to keep up with. We weren't able to identify many other sources or reasons behind that high truncation rate because we weren't collecting that type of data before, making it extremely difficult for us to

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figure out those causes in order to address them.

What we have done, though, is we have an internal mandatory cultural competency training for our staff members, all staff members, not just investigators, and we're hoping that this cultural competency training will lend itself to keeping more members of the LGBTQ community who are filing complaints with us, interested in continuing to work with us during the investigation and perhaps beyond, because they feel safe, because they feel understood, and so forth.

CHAIR WILEY: Let me ask a follow-up question to that, which No. 1, I just want to commend the CCRB for doing the report in the first place, because it's unfortunate that we're the first city in the country to do it, but I think incredibly important and a testament to the CCRB that we did it.

I guess my question to follow-up on truncation rates is, given the increased

1 Proceedings

2 interaction with LGBTQ community-based
3 organizations and advocacy groups, have
4 there been any discussions with those
5 groups around potentially more effective
6 ways to stay in touch with complaints as
7 well as outreach? I know the outreach has
8 happened, but on the truncation rates in
9 particular.

10 MS. JUNIOR: Absolutely.

11 The meeting that we had with
12 organizational stakeholders last week was,
13 as I discussed earlier, it really was a
14 candid conversation, and those
15 organizational stakeholders provided us
16 with a list of reasons for perhaps the
17 high truncation. People feel there's a
18 fear of retaliation from the police. If
19 they continue to, you know, if they
20 report, No. 1, incidents of misconduct,
21 but also if they cooperate with that
22 investigation, they still have to go home
23 to these communities, these are
24 communities they live in, they see the
25 same officers. And so that fear, as it

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was expressed to us, was real.

In addition to that, there was a distrust of the CCRB, because we weren't effective in our outreach efforts within the community. And so we weren't seen as an independent agency. Now that we have a more robust outreach effort in this particular community, we are hoping to do away with that perception of the CCRB, and to gain, quite frankly, organizational buy-in, so that once these organizations believe we are independent and that we are actually following through and following up with these investigations and there are things happening, that they would be more inclined to share that with their members. And they have expressed that that's exactly what they're doing, now that they've been here meeting with us, and we've gone out to meet with them and gone to various events.

For example, about a month or so ago we attended Vera Institute's conference on policing within the LGBTQ community, and

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that was huge. That was major. You know, Susan Shah, a director out there, had communicated to us that this is -- it gave her confidence that we really are committed to these issues, and for that reason she can confidently pass on this information to the victims of police misconduct who are reporting these incidents to Vera Institute. Does that answer your question?

CHAIR WILEY: It does.

MR. BENNETT CAPERS: And I have a question, as well. So great report.

I'm just wondering if you were able to tease out any specific issues with respect to the trans-community. Obviously I've heard, sort of, from trans-activists that often trans-women are assumed to be prostitutes or sex workers. So I'm just wondering if there's specific things we might look into for the trans-community.

MS. JUNIOR: Unfortunately, Chairman Capers, as I had discussed, prior to December of 2015, we weren't collecting

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that data. We don't know, you know, whether these -- whether there were reports filed by members of the trans-community, and if there were, you know, what the percentage -- what the numbers are like, just because we weren't asking for that specific information. So it's really hard to say.

As a matter of fact, something that I'm about to touch on is, you know, during our symposium we had panelists who were members of the trans-community and organizations who had members who were part of the trans-community, and they discussed some of the issues that members of the trans-community faced, including that walking while trans.

So now that it's on our radar, we are absolutely paying attention to the data.

MR. PUMA: I have a follow-up question. Thank you, Nicole, for the report.

And I get some joy out of seeing this report after being involved with the

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discussions after the Let's Talk About It event that we held here, where the idea for the report actually was generated, and so it's wonderful to see this work being done by the Agency.

I had a follow-up question about that statistical data that we've brought into our, you know, our demographics and our tracking. So what's the experience with people actually selecting or disclosing sexual orientation optionally for our statistical purposes? Do people answer that question?

MS. JUNIOR: So the feedback that we received from various members of the communities was that this is important, it's an important question to ask, because, you know, there is a drought in data when it comes to this stuff, and that was a reoccurring theme throughout the course of our symposium.

The feedback that we've been getting from the ground, when it comes to community members, is that it's important

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for us to be collecting this data, right,
that these questions are important to ask
because there's a drought out there.
There's not much information when it comes
to policing within the community.

In terms of the numbers that we've
seen since this reform has gone into
fruition back in December, I can't quote
those numbers to you, but I can certainly
take a look at that and get that
information to you.

MR. PUMA: Thanks.

MS. JUNIOR: Absolutely.

And thank you for being such a
supporter of this. We've been at Prides
together on behalf of the CCRB, and so I
wanted to recognize you, as you did us,
for your commitment to this issue.

MR. PUMA: Thank you.

EXEC. DIR. MALIK: Thank you, Nicole.

Are there any other questions?

(No response.)

EXEC. DIR. MALIK: So as Nicole said,
this LGBTQ symposium that we hosted, The

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Rainbow Crossing, did come out and was born out of our first ever luncheon forum last November in 2015, where we met with the 14 organizations that work with the LGBTQ community.

And so in June, on June 15th, we hosted The Rainbow Crossing, this LGBTQ symposium, and it's with great pride and pleasure that I like to make this report to you now as members of the Board.

The symposium provided us with an opportunity to explore a topic that's not only of extreme relevance to the LGBTQ community, but also one that's consistent with our Agency's commitment to fostering dialogue and promoting greater understanding between police and the people that they serve.

With almost 200 attendees, our participants included Council member, Rosie Mendez, representatives from the Office of the Inspector General, and other civilian oversight law enforcement agencies from Newark, Philadelphia, Long

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2 Beach, California, as well as
3 community-based organizations, such as
4 Citizens United and the Queens Pride
5 Committee.

6 Our symposium consisted of four
7 panels. A panel on policy, a panel on law
8 enforcement, a panel on grassroots
9 organizing, and a panel to debrief all the
10 day's discussions.

11 If you would look at the screens in
12 the room, our first panel was the policy
13 panel. It consisted of panelist Shelby
14 Chestnut, Meghan Maury, and Adam Romero.
15 Shelby Chestnut is the director of
16 community organizing and public advocacy
17 at the New York City Anti-Violence
18 Project. Meghan Maury is the senior
19 policy counsel at the National LGBTQ Task
20 Force, where she directs the Criminal and
21 Economic Justice Project. And Adam Romero
22 is senior counsel and Arnold Kasso
23 Scholar of Law at the Williams Institute,
24 a think-tank at UCLA Law School.

25 The policy panel review revealed a

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2 few things. Number one, four percent of
3 adults in New York City identify as LGBT.
4 The racial and ethnic make up the LGBT
5 population is similar to the make up of
6 the general US population; however,
7 blacks, Hispanics, and Asians are more
8 likely to identify as LGBT.

9 The LGBT community is
10 disproportionately impoverished and
11 homeless in comparison to the rest of the
12 US population. LGBTQ individuals
13 disproportionately live below the poverty
14 line, even though they're equally educated
15 as the general US population.

16 In 2015, there were 24 hate violence
17 homicides against LGBT individuals, the
18 targets of the 24 homicides were mostly
19 LGBT people of color. The panelists all
20 agree that police are hostile to the LGBTQ
21 community and are indifferent to their
22 complaints. They concur that the small
23 number of police misconduct reports made
24 to oversight agencies, such as the CCRB,
25 are just the tip of the iceberg, as

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2 community members rarely report police
3 misconduct due to fear of retaliation,
4 fear that oversight agencies will not take
5 their complaints seriously, or will not
6 really do something to address the
7 injustices that they've suffered, or fear
8 that they will be re-victimized during the
9 oversight investigation due to the
10 Agency's lack of cultural competency about
11 LGBTQ people.

12 The law enforcement panel consisted of
13 NYPD Detective Tim Duffy, Atlanta-based
14 Police Officer Brian Sharp, and NYPD
15 Detective, Brian Downey. This panel
16 discussed their experiences, not only as
17 LGBTQ members of law enforcement, but also as
18 law enforcement members who work with LGBTQ
19 communities. They agreed that officers
20 received training on how to interact with
21 LGBTQ community and all officers go to
22 sensitivity workshops. However, they conceded
23 that diversity training is not enough. That
24 policies actually need to be enforced. They
25 lamented about

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the reality that LGBTQ officers who are themselves members of the marginalized community are painted with broad strokes based on their affiliation with the law enforcement departments.

Our grassroots panel included Candace Simpson, Sasha Alexander, Cara Paige, and Bianey Garcia De La Ole. Candace Simpson is a Master of Divinity student at Union Theological Seminary here in New York City. Sasha Alexander is a non-binary trans organizer who serves as a membership director and co-director of the Movement Building Team at the Sylvia Rivera Law Project. Cara Paige is a black queer feminist cultural worker, an organizer who serves as the Executive Director of the Audre Lorde Project. And Bianey Garcia De La Ole is a trans-woman who was on staff at Make the Road New York, where she identifies ways to combat discrimination, build leadership, and educate LGBTQ community members about their rights.

This panel discussed the historical

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2 and systematic marginalization of LGBTQ
3 individuals in general, and LGBTQ people
4 of color in particular. Historically,
5 police interactions with the LGBTQ
6 community have been difficult. Panelist
7 asserted that law enforcement
8 discrimination against LGBTQ individuals
9 has gone largely ignored. They referred
10 to empirical evidence that supported this
11 claim, such as Amnesty International's
12 report, which found that in the United
13 States LGBTQ people continue to be
14 targeted for police abuse, based on their
15 real or perceived sexual orientation or
16 gender expression. They also agreed that
17 law enforcement officers often profile
18 LGBTQ individuals as being criminals and
19 selectively enforce laws against them.
20 They provided examples of black and brown
21 trans-women being profiled as engaging in
22 sex work when they were just going about
23 their normal daily activities.

24 Going on to the debriefing panel.

25 This panel was moderated by Professor

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2 Stephen Owens, chair of the Criminal
3 Justice Department at Radford University,
4 and co-author of Law Enforcement and
5 Transgender Communities. The debrief
6 panel included Marc Fliedner, Susan Shah,
7 Emily Waters, and Heather Betz. Marc
8 Fliedner is the former chief and founder
9 of the Civil Rights Bureau of the Kings
10 County District Attorneys Office. Susan
11 Shah is the Chief of Staff for the Vera
12 Institute of Justice, an independent,
13 nonpartisan, nonprofit center for justice,
14 policy and practice. Emily Waters is a
15 social worker and researcher with a
16 specialization in domestic and sexual
17 violence and community-based participatory
18 action, research and evaluation. And
19 Heather Betz is the supervising attorney
20 of the LGBTQ Law Project of the New York
21 Legal Assistance Group.

22 This panel wove together the threads
23 that ran throughout each panel session
24 throughout the day. Together the panelist
25 confirmed that more data regarding police

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2 encounters with LGBTQ individuals must be
3 complied. They discussed the importance
4 of rigorous cultural competency trainings
5 for members of our law enforcement. They
6 also agreed that law enforcement needs
7 more community oversight.

8 So at the end of the day, we gathered
9 some symposium recommendations. The event
10 produced a number of civilian-generated
11 recommendations for improving LGBTQ
12 community and police relations, and that's
13 on this final slide. They include seven
14 recommendations:

15 Number one, that local precincts make
16 CCRB fliers visible and readily apparent.

17 Number two, that CCRB investigate
18 allegations of sexual misconduct by
19 members of the NYPD against civilians.

20 That the patrol guide include a
21 section specifically prohibiting sexual
22 misconduct by members of service against
23 civilians.

24 That training on implicit bias be
25 included with NYPD's LGBTQ-specific

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training.

That the NYPD training include particular attention to appropriate numbers of service responses to complaints of intimate partner violence within the LGBTQ community.

That the NYPD and the CCRB capture and make available more data specifically on the LGBTQ community and issues related to police encounters.

And finally, that oversight bodies except anonymous complaints in order to address LGBTQ complainant's fears of retaliation and/or outing.

I have to say I was very impressed with the symposium that we held, because this was the first time that this agency has ever done it. And to pull together four panels with 16 panelist and 200 attendees for this agency is a huge, huge accomplishment and achievement.

And so I thank the staff who worked on this, because they put their entire effort into doing this, and it really came

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out well. And I know that, Joe, you were there, you came at the tail-end, but you saw some of it, and I hope that you were as equally proud and impressed as I was.

MR. PUMA: I was.

CHAIR WILEY: Thank you for that report. I actually have a question for you on this, I have two actually.

So one is, have these recommendations yet been shared with the NYPD? Has there been an identification of any other agencies within the administration? Because some of these, for instance, the Mayor's Office to Combat Domestic Violence is relevant to some of the recommendations. So that's one set of questions.

And then the other questions -- let me let you answer that first.

EXEC. DIR. MALIK: So these recommendations that -- we've complied them together and had a debriefing session after the symposium, and we're -- we would love to sit down with the New York City

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Police Department and share these recommendations with them, and that will happen in the near future. We just had the symposium not too long ago. And with respect to other mayoral agencies, that is something that we're definitely looking into as well.

CHAIR WILEY: And the other question that I had, which is a little broader, obviously tremendously important that CCRB identify particular communities of folks who may have specific types of issues with regard to policing. Are there any others in the pipeline?

EXEC. DIR. MALIK: For specific communities, that's something that we're discussing internally, and hopefully down the road we will have some other symposiums or some other luncheons, and hopefully other reports dealing with other specific communities.

CHAIR WILEY: Any other board members have any other questions or comments?

MR. CARCATERRA: Has the Police

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Department read this and commented on this report yet?

EXEC. DIR. MALIK: Yes, they have.

MR. CARCATERRA: Is that out publicly or just internally?

EXEC. DIR. MALIK: So they shared out their thoughts on the report initially, and we did take into consideration some of their suggestions. So I don't know if they read the final report, I'm sure that somebody in the Department has, but we did take into consideration some of their suggestions before issuing the report publicly.

MR. CARCATERRA: Just one other question on just, they allude to here on page 22, text-based queries in relation to the scope of the study. Can you explain to me what that means?

EXEC. DIR. MALIK: Nicole, would you like to do that?

MS. JUNIOR: Absolutely.

So in order to identify the cases that fell into the scope of this report, we had to essentially search our database

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2 by the use of certain terms, and
3 specifically slurs, specific to members of
4 the LGBTQ community. The reason why we
5 had to do that was because prior to
6 December of 2015 we weren't collecting the
7 data, you know, regarding sexual
8 orientation of complainants or gender
9 identity or gender expression. So we used
10 certain terms in order to figure out in
11 addition to the explicit complaints
12 regarding offensive language for sexual
13 orientation, what other complaints exist
14 in the CCRB's universe of complaints
15 between 2010 and 2015 that fall into our
16 report scope.

17 MR. CARCATERRA: Were those queries
18 done based on civilian complaints that
19 were already made or is this kind of like
20 going out and asking questions, should
21 there be a complaint? Which one is that?

22 MS. JUNIOR: They were based on the
23 civilian complaints that were already made
24 during the relative time period, 2010
25 through 2015.

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COMMR. CARCATERRA: Thank you.

MS. JUNIOR: You're welcome.

CHAIR WILEY: Any other questions or
comments from the Board?

CHAIR WILEY: Okay. Hearing none, we
will move on
to the Outreach Report -- I'm sorry,
you're right, APU update.

EXEC. DIR. MALIK: So we also have an
update for everyone from the APU. Our
Administrative Prosecution Unit, which is
headed by Chief Prosecutor Jonathan
Darche. And I've asked him to give a
report and an update to the Board on APU
matters.

MR. DARCHE: Good evening, everyone.

The APU docket is down to 272 cases,
that's a 20 percent decrease from the
close of the first quarter of 2016. It's
the APU's lowest docket since the close of
the second quarter of 2014. The reason
for this sharp decline in the drop is the
number of cases sent to the APU and an
increase in number of APU cases finalized
by the Police Commissioner.

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The APU closed more cases in the second quarter of 2016, 85, than it ever had before. This was an almost 40 percent increase over the first quarter of 2016, and the second quarter in a row with an increased number of closes.

While the decrease in the docket is a good sign, there are still areas that can be improved. The APU depends on the charges unit of the Department Advocate's Office to serve respondents with charges. In the second quarter of 2016, only 28 respondents were served with charges and it took an average of 181 days to serve those charges from the date the APU filed them. This delay slows prosecutions, making it harder for the APU to produce witnesses at trial. That's unfair, both to those witnesses and to the respondents who were denied the opportunity to cross-examine the witnesses.

We've been communicating with the Department about this issue and the Department Advocate's Office is going to

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serve on bringing the average time to serve respondent below 60 days.

In addition, the length of time between either a verdict being issued or a plea being filed and the Police Commissioner signing off on that verdict or plea remains high. Since the second quarter of 2014, the Police Commissioner took an average of 161 days to finalize a trial case. The Police Commissioner signed off on 46 trials in the second quarter of 2016, that's the most ever in a quarter, and reduced the average time to decide to 159 days.

Since the second quarter of 2014, the Police Commissioner took an average of 258 days to finalize a plea. The Police Commissioner signed off on 32 pleas in the second quarter of 2016, which is another high, but the average time to decide was the highest ever at 328 days. One of the main reasons for that is the closure of extremely old cases, which causes the quarterly average time to increase. And

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last quarter, the Police Commissioner signed off on some extremely old cases.

Since the first quarter of 2014, the Police Commissioner has either reduced the penalty or set aside the plea in 41 cases. In 6 of those cases, he reduced the penalty. In 31 of those cases, he set aside the plea and imposed lesser discipline, and in 4 cases he set aside the plea and imposed no discipline at all. 14, nearly half of the pleas reduced or set aside by the Police Commissioner occurred in the second quarter of 2016, a sharp increase from 3 in the first quarter of 2016 and 1 in the fourth quarter of 2015. It should be noted that in all of these cases, the respondent admitted misconduct, and after consulting with an attorney, agreed to the negotiated penalty.

Since the first quarter of 2014, the Police Commissioner has either reversed the verdict or reduced the penalty in 11 cases after a trial resulted in a guilty

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2 verdict. In the second quarter of 2016,
3 the trial commissioner reversed the
4 verdict from guilty to not guilty in the
5 case where the respondent was found
6 guilty. In that case, the Police
7 Commissioner also found one respondent
8 guilty who had been found not guilty by
9 the trial commissioner. Also during the
10 second quarter of 2016, the Police
11 Commissioner exercised his right under
12 Section 2 of MOU to retain a case to an
13 officer.

14 The Agency and the Department have
15 discussed these pleas, verdicts, and
16 decision to exercise the police
17 commissioner's authority, and have planned
18 future meetings to discuss how best to
19 handle these types of situations going
20 forward. The Agency recognizes that the
21 Police Commissioner is a final arbiter in
22 all matters of police discipline, but is
23 concerned that reversing guilty verdicts
24 or voluntary pleas will lower public faith
25 in the disciplinary process. Thank you.

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EXEC. DIR. MALIK: Thank you Jon.

CHAIR WILEY: Any questions?

MS. ARCHER: You mentioned the delay in serving respondents and you had spoken to the Department Advocate's Office. Have they given you a reason for the delay or explained what's causing the delay?

MR. DARCHE: Yes. First, the Agency has been sending the Department Advocate's Office a large number of cases 'cause we've been substantiating so many more cases. I think we've actually substantiated almost as many cases year-to-date as we did all of last year. And so with that increased number of cases and the amount of cases they're reviewing for the reconsideration process has gone way up. They're not serving charges until they've determined whether or not they're going to ask for a reconsideration.

In addition, they sited the fact that we changed our format of the closing report to make it shorter, meaning that

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they have to when -- instead of just reading the closing report and getting the witness statements, that they have to go and listen to the actual statements themselves, which they say slows things down.

But they made a commitment to reduce the time and we have a good working relationship with the Department Advocate's Office, and I have faith they're going to do it.

MS. ARCHER: And you said in 60 days?

MR. DARCHE: That was their goal.

MR. BENNETT CAPERS: Can I just follow-up, because it seems if they can reduced it to 60 days now they could have done it months ago? So I still don't understand the explanation for why the delay. I mean, are they increasing their staff and now they're going to reduce it to 60 days?

MR. DARCHE: What was explained to me was that they're going to prioritize the charges cases. When they come in, they're

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going to move them to the head of the queue, so to speak, review them first so that they can get through them and serve the charges.

EXEC. DIR. MALIK: I think that something important to note also, that they're also aware that delaying the service of charges also impacts the statute of limitations date, because the charges -- the statute of limitations doesn't toll until the charges are actually served on the respondent; is that right, Jon?

MR. DARCHE: Correct.

MS. ARCHER: Thank you.

CHAIR WILEY: Any other questions or comments?

(No response.)

CHAIR WILEY: Thank you. Moving on to the Outreach Report.

EXEC. DIR. MALIK: We have Raniece Medley, who's our director of outreach.

MS. MEDLEY: Thank you.

Good evening. The outreach unit has

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achieved the highest monthly total of presentations on record, with 129 presentations conducted in the month of June compared to 54 presentations in just January of this same year.

June's presentation total raises the year-to-date total to 572 presentations, the highest annual total on record. Of the 129 presentations in April, we completed 47 in Brooklyn, 29 in Queens, 27 in Manhattan, 24 in the Bronx, and 2 on Staten Island. The 129 presentations in April reflect mostly community events and youth groups, particularly at the City's Summer Youth Employment Program sites. Outreach coordinators have addressed assemblies of youth ranging in ages from 14 to 24, and groups as large as 375 people.

We've also touched 17 NYCHA events in this past month, primarily 10 association meetings at 14 developments, including an after-school celebration at Farragut Houses in Brooklyn. Once again, we've

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partnered with Urban Upbound in Long Island City to host high school interns for the Summer Ambassador Program. The students attended a career fair in June that began the selection process for the internship. And we had two of our interns that stepped out just shortly ago, but we had two of our interns here joining us for the meeting tonight, we have a total of four for the program this summer. Thank you.

EXEC. DIR. MALIK: Thank you.

CHAIR WILEY: I have one question, which is, so there's the question of actually increasing the number of presentations, which is obviously incredibly important so folks know that the CCRB is here and how they can access the complaint process.

Is the CCRB looking at ways to develop metrics to determine the impact of the outreach beyond the presentation?

MS. MEDLEY: Absolutely.

Some of things we're looking at generally is being able to build on the

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2 contacts that we're collecting. For
3 instance, we collect sign-in sheets where
4 we're getting e-mails and contact
5 information for everyone, but we need to
6 activate that so that we can keep that
7 contact with these folks, and we can send
8 out to let them know when we will be back
9 in the areas, we can see in turnout at our
10 public board meeting, we can see in
11 turnouts at events that we're attending in
12 the community, whether or not we have
13 attendance coming in based on us
14 continuing to have that relationship with
15 them. So that's one way that we're
16 looking at being able to track how well
17 we're holding on to folks.

18 We've also been kind of keeping track
19 informally right now of how many folks are
20 getting in touch with the office based on
21 us doing outreach. For instance, we've
22 had instances where because we've done
23 presentations somewhere, we've had
24 citizens contact our outreach coordinators
25 directly because someone needs to file a

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complaint, something just happened, we need to file a complaint. That's the best example of knowing that they're understanding what we do and they see how they can get in touch with us. So we're trying to build on those things so we can have a qualitative measure of what we're doing.

CHAIR WILEY: Is there a question on the intake form around how people know about the CCRB?

MS. MEDLEY: That is -- that's something that's been considered, yes, and that's something they're working on.

CHAIR WILEY: Thank you.

MR. PEGUERO: I have a question. Are we using the percentage of complaints per borough to determine our focus of presentations per borough?

MS. MEDLEY: One thing that we do look at is the complaint rate, in terms of where we should focus our outreach. But I will say that some respects I know we've talked about where high complaint

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2 precincts are and thinking about focusing
3 that place. But another way to think of it
4 as well is, if the complaint numbers are
5 low, then maybe they don't know as much
6 about us as they should. So we've been
7 looking at that in one instance. Also
8 there's an idea -- well not an idea, but
9 we also want to think about where we might
10 expect there to be increased police
11 activity. We could also expect that people
12 have a need to understand what we have to
13 present, which as you know we talk about
14 the levels of police encounters and
15 maintaining the police encounter
16 deescalation, et cetera. So we're looking
17 at areas where that activity may be
18 increased, where police activity may be
19 increased, and we're directing our efforts
20 to those areas.

21 MR. CARCATERRA: Can I just, one
22 quick question. If you had to give a
23 mission statement, just the scope of the
24 outreach unit. Basically, what is the
25 focus? What are you looking to

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accomplish?

MS. MEDLEY: Very briefly, to expand the reach and reputation of the CCRB. To extend our name so we're recognized and people understand what our process is and what we can do for folks. And that we increase and enhance people's trust in what we're able to deliver.

EXEC. DIR. MALIK: Just to follow up on that, I think that historically people did not know that this agency existed, and if they did know this agency existed, it did not have the reputation that it should have. So part of our outreach is to go out into the communities, make sure that people know this agency exists, that we have services for community members if needed, and also to educate the public. That's also part of what outreach does is to educate the public in deescalation tactics.

MR. CARCATERRA: That was where I was going with that. What percentage of your message, and you hit on a good point,

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if you know there's going to be some kind of activity somewhere in the city and you're going to do outreach prior to it, it's great and they'll know how to make a civilian complaint and they reach out to people. But also 'cause we do it on the policing side and both sides, as far as how you should interact, and what you should and shouldn't do and try to avoid, and I think that would be very helpful in the outreach. And again that's -- without saying exactly how you do it.

MS. MEDLEY: That's a key component of what our presentations contain. And we talk about that (1) because we want people to be aware and we want people to be informed and empowered. But also we have a jurisdiction of FADO, so by us as educating folks on what the boundaries of police interactions are, they better understand what our jurisdiction is and what is appropriate to bring to the CCRB.

So that is definitely a part of what we do. Who we are, what we do, how to get in touch with us, and being aware and

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informed about police encounters and
guidelines.

MR. CARCATERRA: Great. Thank you.

MR. PUMA: I have a question along
the line of the Chair's question. Just to
get more specific, since I've been
involved with outreach in the past with
other board members. My question relates
to any sort of evaluation process that is
in place or may be introduced. I know
often we hear about the numbers of
presentations and where they're located
and to which constituencies, which is all
great information, but I am curious about
exactly what the Chair asked about what is
the impact of these presentations and how
can we begin to measure that? And, you
know, as -- I mean I'll be brutally
honest, sometimes, you know, these
essential operations of a City agency
sometimes get reduced because of fiscal
concerns, and so I am a little more of a
proactive -- I take more of a proactive
approach in defending and maintaining

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these things that the Agency has been
longing for for a long time, and want to
make sure that we can make our case for
why this is an important service to the
public.

MS. MEDLEY: Understood.

One of the things that we think about
is not increasing just a number of
complaints, but looking at the quality of
the complaints that we receive in that are
they being substantiated, which would
indicate that our message has been
received about contacting us, but also
that people understand what our
jurisdiction is. So when we're receiving
complaints that are being substantiated
that's one way for us to really understand
the quality of what it is that we're
doing, and that's something we can tie in
and line up with the metrics that you're
already seeing.

CHAIR WILEY: So isn't there -- just
one quick question about substantiation
rates, 'cause I think it's important.

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There's a couple different issues with substantiation rates that's important. It's not just the quality of the complaint, but it's the quality of the evidence and the ability to know whether or not something actually --you can demonstrate that what the complainant is saying is happening.

So we do want to be careful because hopefully we're having higher substantiation rates also because we're get better evidence, it's not just the complaint.

MS. MEDLEY: Absolutely.

I should say that's also in context as opposed to unfounded or complaints of that nature that wouldn't have any bearing.

But also we conduct surveys, which should be stated, and we've not been able to bring forth not yet the results of surveys that we have, which also show us what did you know about CCRB before, what do you know now. Those are other measures that we have as well.

MR. BENNETT CAPERS: And I'm

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assuming at these outreach sessions you also talk about the importance of having additional witnesses, the importance of video evidence. So I'm assuming that's what you mean when you say you're actually getting, sort of, better complaints in that can be substantiated.

MS. MEDLEY: We're discussing what it is that's taking place in the investigative process, and the bottom line is sufficient credible evidence. And what that means and what it is that investigators are able to receive. And were constantly discussing the fact that we've seen that video and things of that instance and being able to respond more closely to the time an incident occurred are more likely to help us to be able to get to the bottom of what it is that happened in a better fashion.

CHAIR WILEY: I'm assuming mediation is also covered in the presentations?

MS. MEDLEY: Absolutely.

We cover the full scope of the

1 Proceedings

2 Agency's offerings from mediation through the
3 close and possible dispositions. We also
4 talk about the policy unit and the work that
5 the policy unit does. It's an all
6 encompassing presentation, I think it's about
7 45 minutes to an hour when it's fully done.

8 MR. PEGUERO: May I ask in how many
9 languages are these presentations and
10 surveys conducted?

11 MS. MEDLEY: The survey -- right now,
12 we primarily serve the presentations in
13 English. We do present in Spanish, and we
14 have the ability to bring in translators
15 to present if there are other language
16 requests. The surveys are available in
17 English and Spanish primarily as well, but
18 as you know we have materials that cover
19 at least six or seven different languages
20 that we're able to provide to convey what
21 it is that we do.

22 EXEC. DIR. MALIK: And certainly it's
23 an ongoing process. Obviously we have
24 community organizations in different
25 communities and different language

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communities that would have to express an interest into our presentations and our being there to present to them.

So it's an ongoing process and the outreach unit has been built up to six people. When I first arrived at the Agency, there were only two people. Then one person relocated out West, so we were down to one person, but now we have a full functioning outreach unit. And it's an ongoing process and seeing how better we can develop the unit.

But they've done a tremendous job to date under Brian's leadership and Raniece's leadership, and I thank them very much for it.

CHAIR WILEY: Thank you.

MS. MEDLEY: Thank you.

CHAIR WILEY: Now we're moving to that section of our agenda for public comment.

In order to ensure that we can respect -- first of all, I just want to say, it's so good to see you all. And I

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can tell you looking at this list we have a very diverse group of people who are here in the room, which I think is wonderful. From representatives from the community, from organizations, from the Police Department, and the fraternal, so welcome.

I will call you up, I want to make sure that everyone has an opportunity to have comments. So I'm going to ask that you keep your comments to five minutes, and I will call you one at a time.

I have Susana Troy.

MS. TROY: Hi, everybody. Thank you for being here, and thank you for five minutes. When I testified April 10, 2013 in front of CCRB I was given two minutes, and I told them, Why don't you hold the meetings after work instead of, I think it was ten or 11 o'clock? So I'm glad to see CCRB took my advice.

At the time, I was concerned about the website. I looked at it again today and I took a photograph. In my opinion

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it's not welcoming enough. So the question is, if you want to invite us to have feedback, it could be too overwhelming perhaps for a board meeting, so you might want to consider special outreach meeting and really invite us to ask questions. And I have a bunch, but first I have to tell you.

I came to CCRB the first time that it was really, and only time I was served effectively, as I reported, Mayor Bloomberg's body guard, detective from the intelligence division violated protocol. CCRB did an excellent job, it went to Ray Kelly. What happened next, I don't know. It's time for full disclosure and transparency.

After that, I was violently savagely assaulted, a hole in my retina, a Dr. Andrew Fagelman. I went to the police. Apparently they were my judge and my jury. They told me to -- they didn't care if I had two black eyes, to keep my head down. I had a hole in my retina and

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cervical damages, and if I didn't drop the charges they were going to arrest me.

Okay. So I went to CCRB, Detective Vergona is rude. He told me he didn't care if I had two black eyes. Graham Daw, the lawyer for CCRB said that's not rude. Of course it is. So I've been asking year after year to take my case back, and year after year I'm rejected.

I've been failed by Internal Affairs. The Manhattan DA who knows about it, they didn't want to hear anything about it. I need a special prosecutor, so what happens? We need an NYPD app tracker. It will be a series of databases. So a victim, me, I report October 1, 2012 I was assaulted. The NYPD interfered, they wouldn't let me report the crime. I tried to upgrade it to second-degree assault, they said no. They said you're suing, so you can't do it. Before I sued I tried to report Delita Hook false cross complaint, I have audio of me being turned away and told to leave. You're not allowed to turn

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someone away from reporting a false cross complaint. I have the audio, it's on YouTube with a thousand views.

I have audio of NYPD Internal Affairs Sergeant Mary O'Donnell telling me she refuses to accept an e-mail, that letter is not what I agreed to, case closed.

So how does the NYPD app tracker work? It will track me for the entire route as Susana B. Troy, but I'm going to tell you what happens for people who are too frightened to come forward and are not part of CCRB or anything. You will be able to report whatever you want to report anonymously, and then we track it. So we see CCRB in every case rejected me. What they did is they said we're going to send it to the Chief of Department. Then when I called the Chief of Department, they never call me back and they've never interviewed me. I'm putting it back on the CCRB but my chart will show that I contacted CCRB. Hey, they've turned me away, will you help, take back the case,

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will you call CCRB. So I can show that every way CCRB has failed me.

Now that you are here for three days and I welcome you and I pray--

CHAIR WILEY: It's actually four, but who's counting?

MS. TROY: That you will look at my case and it's not for CCRB to allow one person to make a decision, whether they're going to take my case back. So I'm going to ask you one, get rid of statute of limitations. Because I'm so traumatized, it's taking me so long, I now found that Detective John Vergona lied in police reports, I have the police reports they're on Scribe.com, on websites. They're in a New York State Supreme Court lawsuit. His Facebook friend is NYPD PO Eugene Schatz, this is all from the 1st Precinct. They cater to rich communities, they do fixing and favors, if I'm lying, sue me. No ones suing me 'cause I'm telling the truth. Police Officer Eugene Schatz was aggressive and rude and threatening. He's

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Vergona's Facebook friend. And I don't know if I reported him or not. I can't keep track at this point.

But you can save lives and how you can save lives is turn broken windows back on the NYPD. So if a cop violates CPR; courtesy, professionalism and respect, that's an indicator. Eugene Schatz did that, so did Vergona. But Vergona took it much further, he was willing to commit crimes. Detective John Vergona committed a series of crimes, fabricated the assault in a mutual assault. If you Google Dr. Fagelman assault, you will see Delita Hook hold up her hand and say, I will slap the crap out of your ass. That is not in the DD5, which their lawyers accidentally gave me. It does not say she pursued me ten feet down the hallway a running punch to my eye and made a hole in my retina, grabbed my hair and was pulling me down. It's all omitted.

CHAIR WILEY: You're at time.

MS. TROY: Just give me a minute

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'cause you made a joke.

No what I'm saying is no more time limits. It takes them too long. And the next thing I want to tell you is exit reports. Every victim, gay, straight, when we -- I want an exit report. And any employees that quit CCRB, I want them to fill out an exit report as well, why they're quitting. I'm not sure they'll tell you the truth. Okay, so I want exit reports. And then I just want to ask for the gay community, have you included Callen-Lorde and just set up outreach for all of us at Union Square, out in the street, every subway stop.

People are not coming forward, they don't feel safe, they know what I've been through. We're just turned away over and over, and you're protecting corrupt cops. If you stop turning us away you'll save lives. If Eric Garner had reported what the police did to him in his handwritten lawsuit, he could be alive today. Thank you.

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CHAIR WILEY: Thank you.

Luis Flores. I am going to get stricter on time but I did tell a joke.

MR. FLORES: I have limited remarks. Thank you very much for having this meeting publicly.

Against the backdrop of a national social movement in response to police misconduct, police brutality, and officer-involved shootings, including shootings that lead to homicides, where has CCRB been? You have been asleep at the switch.

You have a new DOI Chief who now has to oversee the NYPD because historically CCRB has not done its job. You now have federal prosecutors from the US Attorney's Office reportedly investigating the NYPD for misconduct and corruption. Where has CCRB been?

You have families of people who have been shot and killed by the NYPD calling for a new commission patterned after the NAT Commission to investigate the NYPD, all because oversight is lacking. All

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these are public indicators that CCRB is not doing its job.

The statistics that are being presented tonight do not reflect what is going on out on the streets. The statistics only reflect how CCRB is disposing of its complaints. You're just getting rid of complaints.

Tonight it was revealed that 34 percent of cases with video evidence were substantiated. This is a scandal given how the administration is selling that body cameras is a reform for police accountability. Your statistics also overlook how cases go to the Chief of Department to die. I filed a complaint with CCRB and my case went to the Chief of Department, I never knew what happened. And my case was written about in the Wall Street Journal.

These closed cases represent abuse of discretion and there's no accountability. Regarding the LGBT complaints report, this report is paint washing the NYPD's

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2 misconduct, because according to
3 information I have received there are LGBT
4 activists that have asked the City to
5 audit how the NYPD complies with the trans
6 guidelines in the patrol guide, and the
7 City is resisting that audit. So there is
8 no information, and I think that was
9 acknowledged in the presentation prior to
10 our speaking, but that has to be
11 emphasized.

12 You say you want greater LGBT
13 cultural competency, but we don't even
14 know how many openly LGBT people serve on
15 the Board or serve in CCRB, particularly
16 among investigators or their supervisors.
17 CCRB owes New Yorkers a full accounting
18 for why NYPD officers caught on video
19 remain on the police force.

20 Mentioned this evening were
21 statistics that showed that the Police
22 Commissioner is either reversing or
23 decreasing recommended discipline. Why
24 isn't the Police Commissioner called in
25 here to account for those reversals?

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One other thing that is important to note, it's been mentioned here on multiple instances this evening, that witnesses become uncooperative with CCRB after they file complaints. That's because the process you make victims go through is arduous and it's unfair. It's unfair what you make a victim who already attests in a complaint to the facts that happened in an instance, have to then come make another statement, that's on top of the fact if there's video evidence, you still put the victim through a grindstone. That's unfair.

CHAIR WILEY: You're at time.

MR. FLORES: Thank you very much.

And lastly, if CCRB continues this way more people are going to just file their complaints with the DOI Chief or the United States Attorney's Office. They're just going to skip you.

CHAIR WILEY: Thank you for your testimony. We have Chris Gun.

MR. DUNN: Good evening, everyone.

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Maya, welcome to the CCRB. Before addressing you I, do want to thank Deborah for her covering in your absence or in anticipation of your arrival. Deborah, thank you for all your work.

Maya, I first want to note that your -- I appreciate your opening comments about the moment we're having in this country about policing. I've been coming to CCRB meetings for 15 years, as sad as that may be. I think I'm the institutional history in the room at this point, which is not great.

I stopped coming about four or five months ago, because for close to a year there was no discussion at CCRB meetings about policing. There was lots of discussion about the CCRB, but no discussion of what was happening out on the street, and what's been happening on the street in the last two years in New York City is something that has got to be talked about in this room. And I appreciate that you raised the issue, and

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from my perspective the most important thing that you can do as the chair of this board, is to bring a discussion about policing to this agency and to these meetings.

With respect to the LGBTQ report, I think that's a terrific report, I was impressed by the presentation. The question I have about that, and I have this question about all reports, and there have been very few reports in the CCRB over the last ten years, is you identified specific recommendations. Where things always fall apart is following up on the recommendations and seeing what the Police Department actually does.

Sal, I love that on page 22 you're pulling out questions about text searches, I'm glad that you're reading it so closely. I'm hoping this evening you're going to be calling over to the building and finding out what they're doing with the recommendations. I think it's incumbent upon the Agency to come back to

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the public in a reasonable period of time and say here's what the Department is doing or here's what they're not doing.

Finally, in terms of the monthly report. And Maya, others have heard me say many of these things, so it will be new to you, but it's an important part of the narrative as far as I'm concerned. I think the monthly reports are very important. I have some concerns about the monthly report, both in terms of presentation and in terms of some substance.

Just going in sequence, as an initial matter, I've raised this before, I'm going to say it again. The report I think went on the website sometime this afternoon after four o'clock. For those of us who like to prepare for these meetings and look at these reports, and that may be a universe of one, there's no reason for them to go up so late.

With respect to complaints. I didn't understand -- the slide that went up talked about complaints initiated by the

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CCRB. That may have just been the heading on a slide, but I want to make clear it's a mistake for the CCRB to be talking about initiating complaints. It's civilians that initiate complaints. These are civilian complaints, not CCRB complaints.

Last month we had a discussion about complaint numbers. Sal, you and I had a back and forth about that. A senior member stood up here and said the single most important metric that we look at is complaints, do they go up or down? And that was in my response to my talking about the fact that you are not talking about the substantiated complaints, which to me is the most important metric. And the point that I made, Sal, to you was that if you're going to talk about complaints, you have to talk about complaints.

So this month I see now, year-to-date, complaints are up 12 percent, okay. I don't assign a significance to that. But if you guys are going to sign a significance to

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complaints, you've got to mention they're up 12 percent this year, which is not mentioned in the presentation and is buried in the report.

There's also a table in here, a chart on page 4 that makes it look like complaints are dropping significantly when they've gone up significantly this year.

Truncated complaints. Truncations have exploded on the Agency. You are truncating between 45 and 60, I think even 68 percent three months ago. Maya, I don't know how much you have a sense of the truncation phenomenon, these are complaints that are being closed without a full investigation. The Agency made some significant progress in dealing with truncation a couple years ago. I feel like a lot of that has been lost. And I am concerned that the effort to reduce investigation times, which is very important, and I have lauded, is starting to come at the expense of truncation. And when you are truncating between 50 and

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60 percent of the complaints, alarms should be going off and you need to be looking at that seriously.

On the subject of alarms, I see that you are looking at your clock. How am I doing? I'll make it. When I see the numbers Jonathan put up about what's happening in the Police Department with sub cases, I have alarms going off. The notion that it's taking six months to serve charges and specks, I have no idea what that is about. To me that feels like sabotage. And Mina, you mention the statute of limitations. But let's be clear, are there cases that are blown now for lack of service by the Department?

'Cause I don't see them in the report. If there's an average of 180 days to serve, there have got to be blown cases. So I'm curious about what's the story on that?

That wasn't actually a rhetorical question. I was wondering if somebody ---

CHAIR WILEY: I think what we will do is take -- I just want you to finish out your time, and then we will give an opportunity for staff to respond to any of the comments that we've heard.

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MR. DUNN: So the immediate and obvious concern I have is about that. I don't know who in the room now was in the room when the APU started. One of the initial problems was there were a number of cases where the statute of limitations was about to run, and the Department to its credit, although under pressure from the CCRB, ran around and served people quickly, very quickly, okay. That's a real problem. And then the notion of the Police Commissioner reversing as many pleas that were negotiated and agreed to by the officer. I have to tell you, when I look at those numbers --

CHAIR WILEY: You're at time, but I think your point is clear. Complete the sentence

MR. DUNN: And I'm going to complete the sentence.

When I look at those numbers, somebody's got to say to Commissioner Bratton, What is going on here?

CHAIR WILEY: Thank you. I apologize if I'm reading this name incorrectly.

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Is it Jones, Maryann. Maryann Jones maybe? Please.

MS. JONES: Yes.

My name is Maryann Jones. I'm presently, unfortunately at Belle Harbor Manor because I lost my fabulous apartment in Park Slope. The City came in late to stop eviction prevention. And it was a holiday, for the Jewish holiday, so I sat outside on a chair and the administrator came over and said you can't sit here. So I move from one place to the other. Shortly after that, he went and called the police to come and get me. He said if you don't move I'm going to call the police, so I move from one place to another.

The police was there within a short time because they have a friendship with the St. John's Hospital, which was about to close so they supply them with patients. They came over and I met an accident and they cuff me, put my hand behind my back for sitting in the chair out there, and take me to the hospital. I had a funeral the next

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morning to go to. A woman over seven years take me to church back and forth on Sundays, she died. I explain to them -- when I went there my pressure was 121. I explained to them I have to go to the funeral, they did not, they kept me until the morning. And in the afternoon they let me out.

Now I went over to Jersey -- that is an another case. Quickly, one minute. I cried, and they didn't have no mercy on me. And they gave me five tablets there which went to my head and made me not, you know, collective. All right.

Next case was now, I was -- I went to Jersey last week, Sunday, at a concert 700 choir people sitting down. They came in Monday morning and said they want to exterminate the place. I said I only come on Fridays, and then I came in after 12 o'clock, so I was sleeping. The manager came and he lift the bed with me, take me out, must come out, now, now, come out. And then I went out. I wouldn't get out of the bed, and I

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reach outside, and lucky I had my cellular phone with me, and I call the police. And about two of them came and they said, no these are my police. So I said no, I called for them. Shortly after five more came and they went with him. You know what they did? They say nothing was wrong with me, I'm in my right mind, and they took me again to St. John's Hospital. All day I was there, nothing to eat, and in my night clothes. Have mercy. Somebody help me. CHAIR WILEY: Thank you.

EXEC. DIR. MALIK: So I just want to respond to your comment, Chris, you're non-rhetorical question about the statute of limitations. As a former prosecutor with the Queens DA's office and the Brooklyn DA's, I take the statute of limitations very, very seriously. And I know that Jonathan Darche, also at the Queens DA's office with me takes that very seriously.

So to answer your question, we do not have, to my knowledge, any cases that have blown the statute

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of limitations because of this delay in serving charges on officers. That's something that we watch very closely, and that's something that the prosecutors and the prosecution watches very closely.

CHAIR WILEY: Is there any staff, I want to invite staff, if there's any comments you want to respond to? Nicole.

MS. JUNIOR: Thank you.

So Chris, it's good to see you as always. I wanted to address your question about how we are following up with recommendations, it's a valid point.

We did make several recommendations in our LGBTQ report. Also in the report we discussed -- briefly discussed the symposium that we had and the civilian-initiated recommendations that came from that symposium. We recently, as Madame Chair discussed earlier tonight, had a conversation with members at the Department about how we can have routine, regular conversations, you know, about these reports.

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And so I anticipate, based on those recent conversations, that we are going to, in fact, ask the follow-up questions that you discussed earlier, and we do look forward to updating you and the public with that information in the future.

CHAIR WILEY: With that, any closing comments or questions from board members?

MR. PUMA: Under Old Business, are we on that part?

CHAIR WILEY: I was just -- in case anyone had comments, and if not, we will move to old Business.

(No response.)

CHAIR WILEY: Having heard none, Old Business.

MR. PUMA: Last month we received a presentation regarding the patrol guide changes, and there were some questions that were raised by the presenter, Jonathan Darche.

I wanted to know if there was any update on the discussions and the clarifications that we were seeking

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regarding the patrol guide changes
regarding use of force?

MR. DARCHE: There have been updates,
but we are scheduled to have a meeting
with the Department before the end of
September -- before the beginning of
September, to discuss more fully.
Executive Director Malik sent a list of
questions to the Department, and they've
not yet responded.

MR. PUMA: Thank you.

CHAIR WILEY: We should say, just in
fairness to the Department. We started
hearing some verbal responses when we met
today, but we did not have time to go in
depth, and agreed we'd have a follow-up
meeting just specific to the patrol guide
issues.

MR. PUMA: Thank you.

CHAIR WILEY: Anyone else on Old
Business?

(No response.)

CHAIR WILEY: Okay. New Business?

(No response.)

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CHAIR WILEY: Hearing none. I will ask for -- this is now the point where we go into Executive Session. And I will ask for a motion to go into Executive Session.

MR. PEGUERO: So moved.

CHAIR WILEY: Do I have a second?

MR. BENNETT CAPERS: Second.

CHAIR WILEY: Thank you. Having so moved, I thank the members of the public for attending.

Again, I renew my point for many of you here representing organizations that I hope to be meeting with personally, and we'll invite board members to attend as well so that we can continue this discussion in other ways, not just in board member meetings, but thank you for your attendance.

(Time noted: 8:02 p.m.)

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