

Civilian Complaint Review Board-Final
February 8, 2017

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Public Board Meeting
of the Civilian Complaint Review Board
Wednesday, February 8, 2017
100 Church Street, 10th Floor
New York, New York 10007
6:30 p.m.

MAYA D. WILEY, ESQ., CHAIR
JONATHAN DARCHE, ESQ., INTERIM EXECUTIVE DIRECTOR

PUBLIC MEETING AGENDA:

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1. Call to Order
2. Report from the Chair
3. Report from the Interim Executive Director
 - A. NYPD Body-Worn Camera Initiative
 - B. CCRB Truncation Rate
4. Public Comment
5. Old Business
6. New Business
7. Adoption of Minutes
8. Adjournment to Executive Session

Reported by:
Danielle Cavanagh

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BOARD MEMBERS PRESENT WERE:

MAYA D. WILEY, ESQ.

JONATHAN DARCHE, ESQ.

YOUNGIK YOON, ESQ.

LINDSAY EASON

ANGELA FERNANDEZ, ESQ.

JOHN SIEGAL

MARBRE STAHLY-BUTTS

FRANK J. DWYER

JOSEPH A. PUMA

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2 CHAIR MAYA D. WILEY: Welcome, everyone. It is
3 6:31. So I call to order the February meeting of
4 the Civilian Complaint Review Board.

5 And I am supposed to start with my own report.
6 And I thought that -- oh, Marbre, how are you? I
7 thought that what I would do is start with a little
8 bit of an overview about where we've been because
9 I'm roughly at six months as Board Chair and it has
10 been, one, an honor and a privilege to be the Board
11 of the CCRB. And I thought it was useful to locate
12 some of what's been happening for the past six
13 months because it's not always obvious to the public
14 in part because when I became Chair, we also had
15 several vacancies on the Board. We also had some
16 changes in some staffing positions and we continue
17 to have literally four senior positions that are
18 vacant or about to become vacant within the agency
19 that are posted or soon to be posted, most
20 specifically the executive director position. And
21 that is both an opportunity, but it means that we
22 have had a staff that has spent a significant amount
23 of time doing more than one person's job. So I want
24 to both acknowledge that and appreciate the staff
25 for that, and it's meant that we as a board have

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1 meeting was really well attended and significantly
2 attended, not just by community leaders but by
3 residents, and including youth, which I think was
4 particularly important.

5 And there are some certain things that have
6 already emerged in those that I want to note, in
7 those two meetings. And one is that people say both
8 negative and positive things about policing. There
9 has been some recognition in our meeting of
10 improvements and appreciations at some of the
11 changes that have been made. There has also been
12 tremendous frustration of things that have not
13 happened. And oftentimes what we've been hearing at
14 least in the past few sessions are things that are
15 not actually under our control as an agency. One
16 example literally was just a community-based
17 organization saying that they used to with a
18 previous precinct commander have a relationship
19 where they would get a call if one of the youth that
20 was in their program was stopped and arrested by the
21 police. And that was extremely valuable just to
22 have that line of communication open and valuable
23 both to the community-based organization but to the
24 precinct. And that was something that was stopped,
25 not for any philosophical reasons but because the

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2 precinct commanders turned over. And one of the
3 things that they actually said, which was extremely
4 interesting, was they wanted to see more longevity
5 in the deputy inspectors that were over the precinct
6 in the 40. I thought that was an really important
7 and interesting point to hear from community,
8 certainly not one that we control, but it means that
9 in having these meetings we obviously hear some
10 things we do have some control over. But it means
11 that we're able to use our board meetings not just
12 as an opportunity to learn, listen and learn, which
13 I think is critical, but also to information-share
14 with both the precinct and One Police Plaza on some
15 of the things that they might not be hearing.

16 And importantly, this would've happened,
17 actually, in the 75, it's just that the deputy
18 inspector had a conflict but would have come and we
19 did not give him much notice, but in the 40, he
20 came. And he not only listened to what was being
21 said, but he actually participated, he took
22 questions and it became an actual police/community
23 dialogue. And I think that even though that is not
24 formally in our mission statement, it is one of the
25 ways that we can use the role to support more active

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2 efficient and having an increase in substantiated
3 complaints because we have more information and data
4 and evidence, not because we're making decisions
5 differently but because we're getting more evidence;
6 but secondly, that we are seeing a much, much higher
7 rate of concurrence with the Police Commissioner,
8 meaning when we recommend discipline we're seeing
9 higher rates of accepting our recommendation on
10 discipline. Those are all important metrics to us
11 but I will say that it's not sufficient. Some of
12 the conversations that we've been having about where
13 we see the opportunity to improve in 2017, both to
14 build on our outreach, not because we haven't, I
15 think, seen tremendous effort from our outreach
16 team, but because having created that success and
17 the tremendous relationships that produced the
18 number of people who came to our community-based
19 meetings, it's an opportunity to actually both more
20 actively and more energetically connect with the
21 public, and also in new and different ways. So
22 that's something we're going to be looking at. I'm
23 not saying that because we know exactly what that
24 looks like yet but it's certainly something we want
25 to improve.

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2 brushstroke.

3 And with that, unless there's any comment or any
4 points that any board members would like to make on
5 any of that or any questions...

6 (No response.)

7 CHAIR WILEY: Okay. With that, I will turn it
8 over to Jon Darche for the executive director
9 report.

10 MR. JONATHAN DARCHE: Good evening, everyone.
11 I'd like to report to the Board on two issues this
12 evening. First, the NYPD's upcoming body camera
13 program, and second, the agency's case resolution
14 rate in 2016.

15 I met with members of the NYPD's Risk Management
16 Division. They explained the broad strokes of their
17 new Body-Worn Camera Program. Essentially, the
18 program will be initiated in two phases. The first
19 phase will involve one shift in a small number of
20 precincts. The Department plans to commence this
21 first phase in the spring of 2017, which will last
22 for approximately six months. The second phase will
23 commence as soon as that first phase ends in
24 selected precincts and eventually encompass the
25 entire department.

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2 Thank you.

3 CHAIR WILEY: Are there any questions or
4 comments on the executive director's report from the
5 Board?

6 MR. JOSEPH A. PUMA: Quick question regarding
7 the body-worn cameras. And in your conversations
8 with the Department about their plans, was there any
9 indication that there would be any changes to the
10 operations order that is currently in place that's
11 relevant to the body-worn camera?

12 MR. DARCHE: I think there will be a new
13 operations order. I have not seen it yet.

14 MR. PUMA: Thank you.

15 CHAIR WILEY: And we do typically get those as a
16 courtesy from the Police Department before they're
17 finalized?

18 MR. DARCHE: Yes.

19 CHAIR WILEY: So we will have an opportunity to
20 comment.

21 Anyone else?

22 (No response.)

23 CHAIR WILEY: Thank you.

24 And one just point of fact that I will raise --
25 thank you, Jon, for that report -- just because I

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2 was concerned about whether or not we had the
3 technological capacity for the increase of video
4 that we're going to receive as a result of body cams
5 and was ensured by our technology team that in fact
6 they had planned for exponential expansion in terms
7 of our ability to store video so that we do, and
8 hopefully, have sufficient storage for the next five
9 years even if the amount of video we get -- and not
10 just from body-worn cameras, actually also we're
11 getting more video from the public -- that we
12 actually have the capacity to store. So that's the
13 good news.

14 MR. DARCHE: It was a major project in 2016 for
15 our MIS team to upgrade the network so that we can
16 handle that situation.

17 CHAIR WILEY: Great. Thank you.

18 With that, we will turn to the public comments
19 portion of our meeting. And we will start with the
20 list. I have Mr. O'Grady. And welcome,
21 Mr. O'Grady. I do want to say that Mr. O'Grady came
22 to the South Bronx for a meeting. So thank you for
23 traveling that way for our meeting, Mr. O'Grady. It
24 was good to see you there. And welcome back.

25 MR. O'GRADY: Thank you. I'd just like to say

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2 that -- that Norman Siegel indicated that the city
3 district attorney is unreliable because police
4 provide, quote, the bread and butter for district
5 attorney. District attorney cases come from the
6 police. That's Norman Siegel. He said he's not
7 reliable, the district attorney, because they get
8 their bread and butter from the -- from the police.

9 There are a couple of typos. Page 59, line 30,
10 it should read 30 residential units, 30 residential
11 units.

12 CHAIR WILEY: I'm sorry, Mr. O'Grady, did you
13 say 59?

14 MR. O'GRADY: Page 59, line 30; 30 residential
15 units.

16 And line 20, it should not -- "addition" should
17 not be spelled that way. We're saying
18 E-D-I-T-I-O-N. Line 21, manufacturer E-D-I-T-I-O-N,
19 E-D-I-T-I-O-N, luxury automobile manufacturer
20 edition. Brand new is the interpretation. And that
21 135, that's should not be there. It should just be
22 bank manager, say disappearance, easy thing to do.

23 And also, page 60. Page 60.

24 CHAIR WILEY: And for the record, Mr. O'Grady's
25 referring to changes in the minutes from the

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2 January 11th, 2017 meeting, his testimony at that
3 meeting. So he's making corrections on his own
4 testimony.

5 MR. O'GRADY: Page 60, line 6, L-O-A-N, I just
6 said interest, HPDs say they have considerable
7 interest. I don't know where L-O-A-N comes from.

8 CHAIR WILEY: Okay. So delete L-O-A-N.

9 MR. O'GRADY: Yeah.

10 And also, line 10 is D-A-R-K blue uniform. They
11 got D-O-T.

12 CHAIR WILEY: I see, dark blue.

13 MR. O'GRADY: Dark blue, yeah.

14 So tenant organization meeting being held in
15 lobby mezzanine floor building, people in possession
16 of apartments in building. Esther Shechtman, white
17 woman, CEO, Mulberry Associates crashed,
18 C-R-A-S-H-E-D, crashed through door unannounced,
19 snatched the podium from tenant leader, a black
20 church woman. Esther Shechtman, white woman,
21 ordered all tenants out of the lobby. She bought
22 the building from Endonus Morphisus (phonetic).
23 Heavysset black woman, tenant leader, lightly pushed
24 Esther Shechtman down small flight of stairs.
25 Esther Shechtman sold building the following

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2 this precedent case, judges can have sexual
3 relations with litigants before them and they have
4 immunity. I would hope -- I don't know what comes
5 next. Maybe I can have sexual relations with my
6 students to give them a better grade and get
7 immunity from that. So this concept of judicial
8 immunity is atrocious. And there are a lot of
9 esquires on the board. I'd like you to tell me
10 where in the United States Constitution it says that
11 a judge can have sexual relations with someone who's
12 before him and whose case is being decided, and
13 therefore, he gets immunity from being sued.

14 So please expand your purview to these
15 areas which, of course, encompass many situations
16 where people just go from family court right over
17 here -- Steven Cufikes (phonetic) went from family
18 court to the George Washington Bridge and jumped off
19 and no one conducts an inquest, no one looks at what
20 the judge decided, and that happens throughout the
21 United States and it's just terrible.

22 And the judges never have a town hall, they
23 never listen to the complaints of citizens or the
24 community. They have created all these barriers
25 where they have become arrogant and, you know,

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2 approve the minutes and do I have a motion to
3 adjourn the meeting? And I will tell you that I
4 found virtually nothing in the way of any board
5 conversation whatsoever about any of that, anything
6 beyond those two issues including, of course, any
7 discussion about the Taser report that you folks
8 issued in October, something I have raised before,
9 including discussion about the year-end figures,
10 about which I wrote to all of you last month after
11 the January meeting when that was not discussed.

12 And I understand and I accept the notion that
13 this is an institution that's had a lot of change
14 and that many of you are new to the board. I do not
15 accept the notion that that is an explanation or an
16 excuse for there to be no public board activity at
17 all. And it is fine and I laud you for going out
18 into the community and doing a listening tour of
19 sorts. And I agree, Maya, you need to have context
20 to think about your work and think about complaints.
21 That is not -- that does not mean the Board engages
22 in no business whatsoever. And I am struck by
23 meeting after meeting after meeting. Is there any
24 new business? No, there is not. Is there any old
25 business? No, there's not. Do I hear a motion for

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2 adjournment?

3 So I am simply saying to you that we, the
4 public -- and I'm not just John Q Public. I am, of
5 course, somebody who pays a lot of attention to the
6 Board and my organization pays a lot of attention to
7 the Board -- we expect the Board, particularly at a
8 time when policing is playing the role that it is in
9 the public, to be active and to be talking. And
10 maybe you are engaged in activity in executive
11 session that I'm not aware of and the public is not
12 aware of but if that's the case, you should not be
13 doing that and, of course, that would be a violation
14 of the open meetings law. All I know and all I see
15 and all the public sees is month in and month out
16 this board not engaging in any substantive activity
17 as a police oversight body. And I'm just going to
18 say to you that that's unacceptable from my
19 perspective. It should be unacceptable from your
20 perspective. And I certainly hope and expect that
21 changes. I will tell you that for people like me
22 and other advocates there's no reason to come to
23 these meetings to hear nothing happen.

24 Thank you.

25 CHAIR WILEY: Thank you.

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2 (No response.)

3 CHAIR WILEY: All right. So just to address the
4 Taser report, so the real thing that I would
5 underscore is that report -- I'll take full
6 responsibility for the delay in getting that report
7 out because one of the things that happened when I
8 came as the chair, which was after the leak of a
9 draft, not a final, which I think was unfortunate,
10 since it wasn't a final, was that I immediately went
11 out of the country for a month and then came back as
12 a board chair facing a lot of these internal points
13 that I raised in my report, including staffing out
14 the board, including some of the staffing issues and
15 including the fact that, quite frankly, I was also
16 starting a very big new job, which is a reality,
17 which means if I could go back and do it I would've
18 gotten that report out faster because I think that
19 created optics that are unfortunate. The data, as
20 you know, did not change one shred from the leaked
21 report to the report that was made public. I stand
22 by the report that we finalized and got out there.
23 And yes, we did have -- the Board was fully aware
24 and the draft of that report was circulated to the
25 Board before it was made public.

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2 we said it in a public meeting. But certainly, I
3 agree that we could -- yeah, could we have said
4 more? And I mean to your point about saying more
5 substantively about what happened, certainly. And
6 honestly, because the data was already put out in
7 June, you know, it just didn't seem -- so hindsight
8 being 20/20 -- I think that makes sense at the
9 time -- it really just didn't seem since the data
10 had already been made public like that big of a -- I
11 wasn't thinking about it in that way. But my point
12 to you is I hear that. But other board members can
13 weigh in. But from my perspective, I get that.

14 MR. DUNN: And then my broader point is -- and
15 you mentioned that Youngik has been here for twelve
16 years -- well, he is the new guy on the block as far
17 as I'm concerned. I've been coming to these
18 meetings for better, for worse for seventeen years
19 twelve times a year and I can tell you I have never
20 in all that time heard less discussion by this board
21 about the business of the agency.

22 I understand in executive session talk about
23 cases, of course, and you talk about personnel
24 matters, of course. But I have been here through
25 thick and thin with hostile administrations and

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2 ways. But that's the only part of what you just
3 said I will take issue with. But to say that we
4 don't talk about policing, Chris, it's just not
5 fair.

6 MR. DUNN: Well, okay. I'll just say look at
7 the transcript because, yes, when people from the
8 community come and talk oftentimes members of the
9 Board say something in response or ask a question.
10 I get that. That's not what I'm talking about.

11 CHAIR WILEY: I understand.

12 MR. DUNN: I'm talking about this board in terms
13 of the business of the Board. And go back. And I
14 went through -- I'm kind of sorry to say this but I
15 went back through transcript after transcript after
16 transcript to see how much Lindsay is saying, just
17 to pick out Lindsay because I like picking on him.
18 And it's meeting after meeting after meeting -- and
19 you're not alone, Lindsay, let me assure you --
20 where nobody says anything as a board functioning
21 talking about police issues.

22 MS. ANGELA FERNANDEZ: I'd like to add
23 something.

24 CHAIR WILEY: Marbre wanted to get in.

25 MS. MARBRE STAHLY-BUTTS: My issue goes back to

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2 a different point.

3 MS. FERNANDEZ: So in the Bronx meeting there
4 was plenty of discussion. There were different
5 members of the Board that actually made sure that
6 the community actually encouraged even more
7 conversation. I think that's very unusual for a
8 board.

9 And then in one of our board meetings -- I can't
10 remember if it was October or November -- there was
11 a presentation from the Policy Department on what
12 had been going on in policing. So I think that we
13 have shown examples of conversing even as a board or
14 engaging with the audience on the work that's being
15 done.

16 CHAIR WILEY: Marbre.

17 MS. STAHLY-BUTTS: Thank you for the
18 recommendation which is what I'm taking it as.

19 I think Andrea Richie, who came to my first
20 meeting, talked about sexual violence and it was
21 one of the most fruitful conversations that I've
22 actually witnessed in this space. So I think that
23 it's happened but also can happen more.

24 I just want to take issue with or clarify the
25 critiques of the Taser -- the critiques around the

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2 you for your comments.

3 MR. DUNN: You're welcome, Lindsay.

4 CHAIR WILEY: Great. Thank you.

5 Okay. So moving on on the agenda. Now we get
6 to -- we are going to do adoption of the minutes.
7 I'm going to ask for a motion and ask if I can get a
8 motion accepting the friendly amendments from
9 Mr. O'Grady on the corrections in the minutes on his
10 testimony. Do I have a motion?

11 MR. EASON: Motion.

12 CHAIR WILEY: Do I have a second?

13 MS. FERNANDEZ: Second.

14 CHAIR WILEY: Thank you. All those in favor.

15 (Chorus of Ayes.)

16 CHAIR WILEY: All those opposed.

17 (No response.)

18 CHAIR WILEY: Any abstentions?

19 (No response.)

20 CHAIR WILEY: With that, the minutes are
21 adopted. Thank you.

22 I am now going to go to the part of the agenda
23 that drives Chris Dunn crazy.

24 CHAIR WILEY: Is there any old business?

25 (No response.)

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2 CHAIR WILEY: Hearing none, is there any new
3 business?

4 (No response.)

5 CHAIR WILEY: Hearing none --

6 MR. DUNN: I rest my case.

7 CHAIR WILEY: And we hear you. And we just
8 don't have any fights with one another right now so
9 we'll have to be your evening entertainment another
10 time.

11 So do I have a motion to adjourn to executive
12 session?

13 MR. DWYER: Motion.

14 CHAIR WILEY: Do I have a second?

15 MR. EASON: Second.

16 CHAIR WILEY: All those in favor.

17 (Chorus of Ayes.)

18 CHAIR WILEY: Any opposed?

19 (No response.)

20 CHAIR WILEY: Any abstentions?

21 (No response.)

22 CHAIR WILEY: Hearing none, thank you very much.
23 That concludes the public portion of this meeting.
24 Thank you all for coming. We hope we see you next
25 month. Is next month, by the way --

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THE SPEAKER: Saint Albans.

CHAIR WILEY: Saint Albans, Queens.

(Time noted: 7:23 p.m.)

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C E R T I F I C A T I O N

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

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

I reported the proceedings in the
within-entitled matter, and that the within
transcript is a true record of such proceedings.

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

IN WITNESS WHEREOF, I have hereunto set
my hand this 20th day of February, 2017.

Danielle Cavanagh
DANIELLE CAVANAGH

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