

Public Board Meeting
March 12, 2014

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Public Board Meeting
Of the Civilian Complaint Review Board
Wednesday, March 12, 2014
10:12 a.m.
40 Rector Street, 2nd Floor
New York, New York 10006

BISHOP MITCHELL G. TAYLOR, ACTING CHAIR
TRACY CATAPANO-FOX, ESQ., EXECUTIVE DIRECTOR

PUBLIC MEETING AGENDA:

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1. Call to Order
2. Adoption of the Minutes
3. Report from Chair
4. Report from Executive Director
5. Committee Reports
6. Old Business
7. New Business
8. Public Comment

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1 BOARD MEMBERS PRESENT WERE:

2 Dr. Mohammad Khalid

3 Daniel Gitner, Esq.

4 James Donlon, Esq.

5 David G. Liston, Esq.

6 Jules A. Martin, Esq.

7 Rudolph Landin, Esq.

8 Alphonzo Grant, Jr., Esq.

9 Youngik Yoon, Esq.

10 Joseph A. Puma

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1 BISHOP MITCHELL TAYLOR: All right. We're
2 bringing our meeting to order. Thank you so much
3 for being here on today. This has been an exciting
4 month, to say the least. A lot has been happening,
5 a lot of positive things have been going on. As you
6 know, we still do not have a chair appointed by the
7 Mayor, and so we have formed an Executive Committee,
8 the Board has formed an Executive Committee made up
9 of David Liston, Jules Martin and myself, and so we
10 will try to facilitate the absence of a chair until
11 the Mayor appoints one and we can move forward with
12 that process.

13 Just very briefly, we had a very successful and
14 cordial and comprehensive, I should say, meeting
15 with the Police Commissioner and his new executive
16 staff. And I think that the Board would agree that
17 it seemed to be a very productive and receptive
18 atmosphere. A lot of the issues that we raised,
19 relative to barriers and impediments for smooth,
20 operational functions, we feel that there's been an
21 easy pass of conversation with that. And I think
22 that the proper departments will be meeting with the
23 appropriate staff at NYPD to ameliorate some of the
24 issues that have caused a clog and blockages in some
25 of the processes that we have been executing.

1 I also want to congratulate the APU Unit on very
2 successful interventions and the cases they've been
3 fielding thus far. And it's just -- I think the
4 most important part that I want to highlight today
5 is spring is in the air. Spring is in the air.

6 MR. JULES MARTIN: Till to tomorrow.

7 BISHOP TAYLOR: Yeah, till tomorrow. But that's
8 a good thing.

9 So now we're going to have the adoption of
10 minutes, and if there's no objection to --

11 MR. DAVID LISTON: I'll move that we adopt.

12 BISHOP TAYLOR: All right. Dave Liston moves.

13 MR. JAMES DONLON: I'll second.

14 BISHOP TAYLOR: A second. All in favor?

15 (Chorus of ayes.)

16 BISHOP TAYLOR: All right. Excellent.

17 Now we are going to have the report from the
18 Chair -- that's me, I already gave my report -- from
19 the Executive Director.

20 MS. TRACY CATAPANO-FOX: Thank so much, Bishop.

21 And I have to thank the Board for doing an
22 excellent job at the Police Commissioner meeting.
23 It was very productive, and we've already seen
24 significant communications between the NYPD and the
25 Agency to move forward on some of the issues that

1 were presented. So I think that the Board deserves
2 a lot of credit for really presenting issues in a
3 strong, but reasonable, manner.

4 The CCRB received 440 complaints in February of
5 2014. This is 170 more complaints than it received
6 in 2013 when, at that time, we only received 270
7 complaints. From January to February of this year,
8 the CCRB received 903 complaints in total. That's
9 447 more complaints than we received for the two
10 months of 2013, where the CCRB received 456
11 complaints. While this is a 98 percent increase for
12 these months, it's important to note that once
13 again, last year we still were not as fully
14 operational as we should be because of Hurricane
15 Sandy.

16 The Board closed 410 cases in February, and 561
17 cases year-to-date. In the first two months of this
18 year, the Board closed 195 full investigations,
19 which includes 34 substantiated complaints, and
20 mediated 16 cases. Year-to-date, our substantiation
21 rate is 17 percent.

22 The report includes two forms of reporting the
23 disposition of the CCRB cases. In the report,
24 you'll see we are still reporting it with a report
25 involving truncation rate and then with case

1 resolution rate. And we can talk more about that in
2 a minute, but, essentially, from January to February
3 the updated truncation rate, excluding cases closed
4 as complaint withdrawn, is 52 percent. In the same
5 period from last year, that rate would be 65
6 percent. And from January to February of this year,
7 the case resolution rate was 38 percent, while in
8 2013 it was 23 percent.

9 Of cases closed as complaint withdrawn, the
10 year-to-date breakdown for the cases closed is as
11 follows, and this is included in your packet: 43
12 percent of complainants had no desire to follow
13 through; 21 percent did not want to take the time to
14 do an interview; 10 percent withdrew upon advice of
15 counsel; 5 percent just wanted to report a
16 complaint; 2 percent provided no reason; 2 percent
17 feared retaliation; and 17 percent withdrew their
18 complaints for other reasons.

19 The Agency's docket at the end of February of
20 this year stood at 2,599 cases. This is a 4 percent
21 decrease over the open docket from January, when we
22 stood at 2,706 cases. By date of report, 96 percent
23 of our open investigations stem from complaints
24 filed within the last year, and 64 percent were
25 filed in the last 4 months, or within the first

1 4 months. Of the open cases, 462 were awaiting
2 Panel review, that's 18 percent of our docket; 1889
3 cases were being investigated, which is 73 percent
4 of our docket; and 248 cases were in the mediation
5 program, which is 9 percent of the docket.

6 By date of incident, 21 cases in the CCRB's open
7 docket were 18 months or older. This is a 0.5
8 percent percentage of our open docket. And in
9 January of 2014, that was 24 cases. The breakdown
10 is as follows: Three cases are on DA hold, five
11 cases were filed months after the date of incident,
12 one case was reopened by the Board, two cases are
13 late because the Board returned it for further
14 investigation, and two cases are involving
15 investigative delay, and eight cases are pending
16 Board review.

17 In January of 2014, the Police Department closed
18 six substantiated cases involving seven officers.
19 The Police Department declined to prosecute three
20 officers, two officers received command discipline
21 and two officers received instructions. The
22 disciplinary action rate was 57 percent and the
23 decline-to-prosecute rate by the Department was
24 43 percent.

25 In February of 2014, 20 cases were substantiated

1 with the Board recommending charges and
2 specifications. These were added to the APU docket
3 so that by the end of February, the APU had
4 153 cases. Of these cases, seven cases have guilty
5 pleas entered and are awaiting approval by the
6 Police Commissioner; in one case, the trial verdict
7 was rendered, but we're awaiting approval from the
8 Police Commissioner; three trials have been
9 completed and are awaiting verdict; five trials have
10 commenced, but were not completed; 40 trials are
11 scheduled; 14 cases are calendared for appearances;
12 and 60 cases are awaiting their initial court
13 appearance after charges have been filed; in six
14 cases, charges have been filed; and 17 cases are
15 awaiting the filing of charges.

16 In terms of requests from the Board from the
17 last meeting, a couple of things I would ask the
18 Board to consider and potentially vote on. One,
19 back in November, we had an Operations meeting where
20 the Board decided to have an Investigations
21 Committee. The Investigations Committee has been
22 chaired by Dan Gitner, and various Board members are
23 on it, but there was never a full-Board vote to
24 create this committee. So, and we weren't -- at
25 that time, we didn't have minutes taken of that

1 Operations meeting.

2 So, in the interest of clarity, could the Board
3 vote to formally create the Investigations Committee
4 moving to second it --

5 MR. LISTON: What does -- let me ask you a
6 question, if I may. What is the Investigations --
7 and, I'm sorry, I zoned out for a minute -- what
8 does the Investigations Committee do that's separate
9 from what the APU Committee does?

10 MS. CATAPANO-FOX: Dan, do you want --

11 MR. DANIEL GITNER: We work with Denis
12 specifically and talk about how to make things more
13 efficient, how to make the investigations more
14 fulsome, and ensure that we get to the right result
15 faster, frankly.

16 MS. CATAPANO-FOX: In Nov --

17 MR. GITNER: So I think it's sort of like, if
18 you think of, like, Law & Order, we're the
19 investigations part, and then the APU is the DA
20 part. So, I do think it's separate, and I think --
21 but I think that they work and should be working
22 very well together.

23 MS. CATAPANO-FOX: At the November Operations
24 Committee, what we discussed was the idea that there
25 are times where we might want to get subpoenas of

1 witnesses who are not willing to come in and be
2 interviewed. And so if we had a committee that
3 Denis could report to and get their approval for
4 that, according to our charge, the Board has to
5 approve subpoenaing witnesses in that fashion.

6 MR. LISTON: And are we talking about subpoenas
7 in connection with pretrial --

8 MR. GITNER: Right.

9 MS. CATAPANO-FOX: Yes. Correct.

10 MR. LISTON: -- subpoenas, right?

11 MS. CATAPANO-FOX: Also, at that time, we had
12 issues with regard to whether or not we could get
13 certain supervisory NYPD officials in for
14 interviews. And so that was also something that the
15 Board -- the Operations Committee felt, if there was
16 an Investigations Committee, that Denis could meet
17 with that committee to talk about those types of
18 issues and keep them abreast of sensitive cases and
19 other investigative --

20 MR. LISTON: Sure.

21 MS. CATAPANO-FOX: -- pre-Board review cases.

22 MR. GITNER: To a large extent, it's like a
23 sounding board for the Investigations Unit here and
24 to bounce off ideas to try to figure out the best
25 way to go forward.

1 MR. LISTON: I'm just going to throw this out
2 there. They are, as you point out, Dan, they're
3 very much related because decisions made at the
4 Investigations stage will have implications for the
5 APU stage, the prosecution stage. I'm just going to
6 throw this out there, I don't how I feel, frankly,
7 about it, but there may be advantages to either
8 combining these committees or perhaps we'd have two
9 co-chairs. I'm just throwing it out there. I don't
10 want us to be a house divided.

11 MR. GITNER: I, personally, think that's a good
12 idea.

13 MR. LISTON: Okay.

14 MR. GITNER: We could have two co-chairs, it
15 doesn't matter to me, because I do think that to the
16 extent the investigations are resulting in
17 charges --

18 MR. LISTON: Right.

19 MR. GITNER: -- and that's something I may want
20 to talk about later today, that obviously affects
21 the APU and how the APU functions and should
22 function. And so --

23 MR. LISTON: And conversely, sorry, it also
24 affects the cases we don't get.

25 MR. GITNER: Right.

1 MR. LISTON: Because we may not get charges, but
2 perhaps we should.

3 MR. GITNER: Correct.

4 MR. LISTON: Sorry. I'm just in agreement with
5 you.

6 MR. GITNER: So, I don't have any problem with
7 that. Or, at the very least, we could start meeting
8 together --

9 MR. LISTON: Right. And see how it goes.

10 MR. GITNER: -- and figure out how it goes.

11 MR. LISTON: Okay. Anybody else? Sorry to take
12 it a way, Bishop.

13 BISHOP TAYLOR: No, no.

14 MR. ALPHONZO GRANT, JR.: So are you proposing
15 an Investigations/APU Committee?

16 MR. LISTON: Well, right. I definitely don't --
17 I don't think we should have separate committees.
18 That's my view.

19 MR. GRANT, JR.: Okay.

20 MR. LISTON: It's more or less a gut feeling,
21 but it sounds like Dan has the same view. Because I
22 think we really are working towards the same goal,
23 right, which is to end up with cases that are well
24 investigated and charges that are supported and
25 cases in which charges are issued when they ought to

1 be. So these are all very much related.

2 It seems to me that we probably should have, you
3 know, one committee or perhaps have the two
4 committees meet together. I'm not sure --

5 MR. GRANT, JR.: Dan, what are your thoughts?

6 MR. GITNER: I think that's a fine idea; I think
7 it's a good idea.

8 MR. GRANT, JR.: A joint committee?

9 MR. GITNER: I think that having an APU
10 Committee is probably not broad enough and having an
11 Investigations Committee is probably not broad
12 enough. At the very least, you need both. But I
13 don't see any problem with having a joint committee
14 or having two committees that are committed to
15 constantly working together and communicating. I
16 don't see a functional difference. But I think it's
17 a good idea that they work together.

18 MR. LISTON: So what -- I'll throw this out
19 there as an idea. What if we have both committees
20 meet together jointly, and we can see how that
21 works. If we decide at the end of the day that it
22 should just be one committee with two co-chairs --

23 MR. GITNER: We'll propose as a Board.

24 MR. LISTON: Right.

25 Does anybody have any views on that?

1 BISHOP TAYLOR: I personally think that, going
2 back to Dan's point, that they are two distinct
3 functions, you know, Investigations and APU. I
4 think one is a preamble to the other.

5 MR. LISTON: Right.

6 BISHOP TAYLOR: I'm certainly with, you know,
7 co-locating the meetings and seeing where the
8 synergies are and how you guys could best work
9 together, but I'm also not opposed to having two--

10 MR. LISTON: Okay.

11 BISHOP TAYLOR: -- committees. But I think that
12 we should have a little more discussion on it, in
13 view of -- in lieu of the fact that there are no
14 recorded minutes on that Operational meeting. And
15 maybe we should just refresh --

16 MR. LISTON: That's why we have to have a vote.
17 I mean, that's, I think, a good point.

18 BISHOP TAYLOR: Yeah.

19 MR. LISTON: Right.

20 BISHOP TAYLOR: And I think we should just
21 refresh and reset and just have more conversation.
22 We can have that now or at, you know, another moment
23 of time --

24 MR. LISTON: Right.

25 BISHOP TAYLOR: -- but I think it's worth that.

1 But I do like the idea of having an Investigation
2 and an APU. And they should synergize by working
3 closely together because of the orientation.

4 MR. LISTON: So I think, given that the
5 Investigations Committee was created, I guess, at an
6 Operations meeting --

7 BISHOP TAYLOR: Well, it was suggested, it's not
8 created yet.

9 MR. LISTON: Right. So that's the question, do
10 we want to create it today, and -- or do we want to
11 have one committee that handles both, I guess.
12 That's where the issue is, isn't it?

13 DR. MOHAMMAD KHALID: I think there should be a
14 Board discussion on, I think, combining of them
15 together --

16 MR. LISTON: Right.

17 DR. KHALID: -- not to have two co-chairs
18 because, ultimately, investigation leads into some
19 investigation of APU.

20 MR. LISTON: Exactly. It's like two hands are
21 separate, but when they're clapping, it's hard to
22 tell the difference, right?

23 DR. KHALID: Right. I think we should work a
24 little bit more on it --

25 BISHOP TAYLOR: More discussion.

1 DR. KHALID: -- discussion before we vote on it.

2 MR. DONLON: Well, I think we should -- I would
3 move to vote to create the Investigations Committee
4 since it does --

5 MR. LISTON: Exist, in a practical matter.

6 MR. DONLON: It's been in existence, it's been
7 operating, even though we never formally voted on
8 it. I think we should vote to, you know, make
9 the -- put the committee into existence in the sense
10 that we've, you know, had a chance to vote to that
11 extent.

12 BISHOP TAYLOR: James, valid point.

13 MR. DONLON: And then whether or not it should
14 be merged or operate jointly with the APU Committee,
15 that can, you know, wait for another day. But I
16 would move to vote that the Investigations Committee
17 be formed.

18 MR. GITNER: Second that.

19 MR. GRANT, JR.: Well, before you second that,
20 my only concern is I'm not sure where I come out on
21 the delegating the subpoena authority. I know we
22 talked about it, but I'd want to make sure that we
23 have something that's concretely in place and that
24 everybody agrees upon it.

25 MR. GITNER: My view on the subpoena authority

1 is that the Board as a whole has to vote. So the
2 Investigations Committee does not substitute its
3 judgement for the Board, it simply serves as a
4 sounding board for the Investigations Unit who then
5 can come to the Committee to say, do you think this
6 will be a good idea, and help the Investigations
7 Unit present it to the Board in a timely fashion.

8 But my view, I think that the Charter or the
9 Rules, one of those documents, is pretty clear that
10 the Board has to vote as a whole on the subpoena.

11 MR. GRANT, JR.: Okay.

12 MR. GITNER: So I don't want anybody to think
13 that the Committee substitutes its judgement for the
14 Board's judgement on that issue.

15 MR. GRANT, JR.: Okay.

16 MR. GITNER: Just to be clear. So I think we're
17 on the same page on that.

18 MR. MARTIN: I agree with my fellow
19 Commissioners, or Board members, that we should have
20 further discussion, expressly since there may be
21 some unidentified impediments that will take two
22 very productive committees and convene them as one
23 committee and the process slows down.

24 So we should talk about it a little bit more
25 before we make a final decision, and, just to be

1 cautious, to make sure that we cover all bases to
2 make sure that we are not creating a really large
3 committee that's going to not work as efficiently as
4 the two separate committees.

5 MR. LISTON: So I think what we're heading
6 towards is we all want to acknowledge -- we already
7 have effectively created this committee --

8 BISHOP TAYLOR: Well, I guess that's what's in
9 question. I wanted to ask that. Did we actually
10 create it or --

11 MR. LISTON: We have not, as a Board.

12 BISHOP TAYLOR: -- is it just, like, in
13 conception, conceptually created?

14 MS. CATAPANO-FOX: The Operations Committee --

15 MR. GITNER: I know I've made reports on behalf
16 of the Investigations Committee, whether it exists
17 or not, so either -- I mean, from a functional point
18 of view, it exists. We've had discussions, we've
19 had meetings, we've made reports. Whether or not
20 there was actually a formal vote at the right time,
21 frankly, I don't know or remember. But it's been
22 essentially functioning.

23 And I think the question is should it be
24 formalized now, and then, you know, I can work with
25 Dave and we can figure out whether or not, from our

1 point of view --

2 MR. LISTON: Right.

3 MR. GITNER: -- in the trenches, we think it
4 makes sense to combine them, and then, to Jules
5 point of view, have the Board discuss it and make
6 their own decision. Or should they continue
7 separately or -- I suppose the vote -- the Board
8 could also vote later on to dissolve one or both
9 committees.

10 MR. LISTON: And let me say this, if I may, I
11 don't know how we do it, but on other boards I've
12 been on, typically the Chair can create a committee.
13 I don't know if we do it differently here, but I
14 don't even know if we necessarily need a full-Board
15 vote on this.

16 But, in any event, whether we do or we don't, it
17 sounds like we have, effectively, an Investigations
18 Committee, it sounds like we ought to have one, and
19 the only question is to what extent should it work
20 with the APU Committee. Why don't we just
21 officially bless this?

22 MS. CATAPANO-FOX: I will tell you that in the
23 minutes of the November meeting, the Chairman at the
24 time, Dan Chu, referenced the fact that there was a
25 vote in the Operations Committee meeting to create

1 an Investigations Committee.

2 MR. LISTON: Okay.

3 MS. CATAPANO-FOX: So it was the Operations
4 Committee that voted on that at the time; it was
5 never formalized into a full-Board vote. Although,
6 on that day, most of the Board was at, not all of
7 the Board, but most of the Board was at the
8 Operations Committee, and it kind of morphed into a
9 full-Board session.

10 So just to -- for the sake of clarity, that's
11 the only reason why we brought this up today, just
12 to formally adopt what was done at the Operations
13 Committee.

14 BISHOP TAYLOR: And that was in the -- that's
15 reflected in the November Board minutes?

16 MS. CATAPANO-FOX: Yes.

17 BISHOP TAYLOR: Okay.

18 MR. GRANT, JR.: Well, look, I'm in favor of
19 creating the Investigations Committee with the
20 understanding that the mandate that you laid out,
21 that you stated, with the understanding that the
22 Investigations Committee is not going to act
23 unilaterally, that any steps that need to be taken
24 will obviously be communicated to not only to APU,
25 but also to the full Board, and just have that

1 clearly stated on the record. So, I'd be in favor
2 of creating it.

3 BISHOP TAYLOR: All right. So it sounds like,
4 then, we're moving in the direction of creating
5 officially the Investigations Unit with the proviso
6 that it would not move unilaterally nor usurp the
7 decision power of the Board as it relates to, I
8 guess, specifically subpoenas and any other
9 sensitive issues like that.

10 So if someone wants to make a motion.

11 MR. LISTON: It's been made, I think.

12 MR. DONLON: Well, I did make a motion to --

13 BISHOP TAYLOR: All right. So James made a
14 motion to --

15 MR. GRANT, JR.: Second it.

16 MR. DONLON: -- to establish the Investigations
17 Committee.

18 BISHOP TAYLOR: -- to establish the
19 Investigations Committee.

20 Anyone want to second?

21 MR. GRANT, JR.: I second.

22 BISHOP TAYLOR: Okay. All in favor?

23 (Chorus of ayes.)

24 BISHOP TAYLOR: Contrary-wise?

25 (No response.)

1 BISHOP TAYLOR: All right. So it carries. So
2 now we have an official Investigative Committee.

3 MS. CATAPANO-FOX: Thank you, Bishop.

4 For the Board's information, the plaque for
5 Former Chairman Dan Chu is at the Agency. We did
6 receive it the day after the last Board meeting.
7 And we can talk about how you want to present it to
8 him, if the Board -- the Board could talk about that
9 at their convenience, but we do have it and --

10 BISHOP TAYLOR: Thank you.

11 MS. CATAPANO-FOX: -- I think it will be a --
12 it's a really -- I have to thank Marcos and Brian
13 for working so hard on putting that together on
14 behalf of the Board.

15 BISHOP TAYLOR: Since we're webcammed, it would
16 be nice just to hold it up and maybe he can see it.

17 MS. CATAPANO-FOX: And wave?

18 BISHOP TAYLOR: Brian?

19 It came a day after the Board meeting and it's
20 here, so it should be in the Board meeting now.

21 MS. CATAPANO-FOX: Thank you, Bishop.

22 And then in terms of 100 Church, we are moving
23 this weekend. Yes. I know I've been saying this
24 for months, and I thank everyone for their patience
25 and kindness. But I think most of the staff have

1 gone over there to see it, it is a very bright, very
2 open -- and it really is a beautiful space, so I
3 want to thank the Former Executive Director, Joan
4 Thompson, for her hard work on it, as well as the
5 Board for putting it together. And I am reaping the
6 benefits of having such a nice, beautiful space
7 amongst -- with the Agency. So, thank you. And we
8 will be there on Monday, so Friday is our last day
9 here.

10 The only other topics that came up last month
11 that I want to report on, we were talking last month
12 about administratively closed cases versus truncated
13 cases. And, to clarify, during the November
14 Operations meeting, which we do not have minutes of,
15 there was a discussion about cases that were
16 referred not by civilians and cases where there was
17 no civilian complaints, but were referred by other
18 agencies, NYPD or others, and how to proceed on
19 those cases.

20 The memo -- the e-mail that was mentioned
21 reflected that presentation and that idea. And I
22 want to thank Al Grant and Tony Simonetti who have
23 really worked on this issue. And we've decided that
24 what we will do is put together a more formalized
25 review of this for the full Board for the next

1 meeting to talk about exactly how we should proceed
2 with these cases.

3 We've made a lot of progress with this, and I
4 think everyone is on the same page, but we want to
5 make sure that we accurately reflect these cases in
6 our statistical reporting as well as confirm that
7 these cases go through the Board. They'll go
8 through a number of steps of review between the
9 investigator getting the case, between the deputy
10 executive director of investigations and myself, and
11 then, ultimately, to a Board Panel that would
12 determine whether or not they should be
13 administratively closed.

14 But we will get you more information so that by
15 the next meeting -- Tony feels strongly -- he wants
16 to be here for it and he apologizes to the Board for
17 not being able to be present today. He's still in
18 Florida and enjoying himself.

19 MR. LISTON: So sorry.

20 MS. CATAPANO-FOX: But he will be here for the
21 next Board meeting, so I think that will be a great
22 opportunity to address that.

23 And then we can also address the truncated
24 issues case, the issue with regard to whether you
25 want to report cases as truncated versus case

1 resolution rate. And, again, it doesn't change the
2 actual raw numbers of our cases, it's just a matter
3 of, in the future, how we're going to proceed with
4 those cases.

5 I also want to say that the annual report is now
6 at the printer. It should be with us momentarily.
7 I want to thank Marcos and Linda for working so hard
8 on that. And I think that it will be -- we have a
9 press release that I want to thank Linda Sachs for
10 putting together so that we can -- and we have it in
11 the packets.

12 MS. LINDA SACHS: And on the website.

13 MS. CATAPANO-FOX: And on the website. Thank
14 you.

15 It's listed on the website as well so that
16 everyone can see it. But I think that that will be
17 something that will move forward the discussions
18 with regard to the agencies at Operations and how
19 hard we're working, even despite Hurricane Sandy and
20 the other impediments we had.

21 So the only other issue, then, is Local Law 103.
22 Last month we discussed the idea and that the Board
23 has to vote on whether or not it wants to have us
24 live stream our meetings or whether or not we want
25 to record them. Either way, they will be on our

1 website and be permanently archived within 72 hours
2 of the meeting. But the Board has to vote on which
3 way it wants to proceed.

4 BISHOP TAYLOR: So, right now, we are recording
5 with the option of posting within 72 hours, right?

6 MS. CATAPANO-FOX: Yes, sir. We have to post
7 within 72 hours.

8 BISHOP TAYLOR: Right.

9 MS. CATAPANO-FOX: So we are recording it and it
10 will be on our website within the next 72 hours.

11 BISHOP TAYLOR: Right. And so in the new
12 location, we probably would have more bandwidth and
13 ability to, if we want to do live streaming,
14 probably can do it -- accommodate it better there.

15 MS. CATAPANO-FOX: Yes.

16 BISHOP TAYLOR: So we don't have to decide today
17 whether or not we want to live stream or do we need
18 to vote today?

19 MS. CATAPANO-FOX: For next month's meeting we
20 will be there, so we could get the equipment and
21 have it ready for the April meeting.

22 BISHOP TAYLOR: To live stream?

23 MS. CATAPANO-FOX: Yes. If that's what the
24 Board chooses to do.

25 BISHOP TAYLOR: Okay.

1 DR. KHALID: What is the expense, Tracy, on live
2 versus recorded?

3 MS. CATAPANO-FOX: It's negligible. I mean, we
4 do have to get the bandwidth in order to be able to
5 do live stream, but it's not prohibitive.

6 DR. KHALID: We should vote on it today then, if
7 it's no expense --

8 MS. CATAPANO-FOX: That would not be an
9 impediment, in terms of the cost. There is a small
10 cost, but -- the benefits of doing it by live stream
11 are that, according to the stat -- the lang- -- the
12 plain language of the statute prefers that it be
13 done by live stream, unless practic- -- unless it's
14 not practicable. So the benefits would be that that
15 is the preferred method. There's no punishment or
16 there's no qualifications to why you can't do it,
17 they haven't been clear about why you wouldn't do a
18 live stream, and it is done by the Mayor's Office
19 and other city agencies.

20 The benefits of doing a recording is that even
21 though the cost is negligible, there would be no
22 cost of doing a recording because, essentially, we
23 have the equipment right now; we would just bring it
24 to 100 Church and record it.

25 So, we cannot change the video no matter what,

1 so whether it's live stream, the recording, we're
2 not allowed to edit it. So that's not an issue. So
3 it's really just a preference at this point by the
4 Board.

5 DR. KHALID: We should do live, then.

6 MS. CATAPANO-FOX: We have to make a motion.

7 MR. GITNER: The statute says live stream is
8 preferred?

9 MS. CATAPANO-FOX: It says that we should be
10 live streaming it where practicable.

11 MR. GITNER: And you're telling us that the cost
12 is negligible and it's practicable to do it?

13 MS. CATAPANO-FOX: Yes.

14 MR. GITNER: So, do we really have to vote?
15 Isn't this just acquired by the statute? I'm happy
16 to vote, but --

17 MS. CATAPANO-FOX: I think it's --

18 MR. GITNER: -- it seems like a no-brainer to
19 me.

20 MS. CATAPANO-FOX: I think it's better to
21 vote --

22 MR. GITNER: Okay.

23 MS. CATAPANO-FOX: -- because it's your Board
24 meeting, and I --

25 MR. GITNER: So I move that we be in compliance

1 with the statute and live stream it.

2 MR. GRANT, JR.: Second.

3 BISHOP TAYLOR: All in favor?

4 (Chorus of ayes.)

5 BISHOP TAYLOR: All right. So carried.

6 MR. GRANT, JR.: Bishop, are you going to read

7 --

8 BISHOP TAYLOR: Yes. So we have the plaque for
9 our Former Chair, Daniel D. Chu. It says:

10 "With deepest appreciation for your years of
11 extraordinary services and sound leadership as the
12 Chairman and Board Member of the New York City
13 Civilian Complaint Review Board, 2008 to 2013, your
14 wisdom and dedication guided the CCRB to the
15 implementation of the Administrative Prosecution
16 Unit, you steered the CCRB to achieve an
17 extraordinary level of excellence in carrying out
18 its mission of investigating and mediating
19 complaints and providing individual" -- "invaluable
20 service to the people of New York City."

21 See that, Dan (indicating)? That's for you.

22 Let's give Dan a big hand.

23 (Applause.)

24 BISHOP TAYLOR: Excellent. Excellent. All
25 right.

1 MS. CATAPANO-FOX: Thank you very much, Bishop.

2 MR. MARTIN: Bishop.

3 BISHOP TAYLOR: Yes.

4 MR. MARTIN: I have a question for, and, I'm
5 sorry, for the Executive Director's report as it
6 relates to APU. I'm still not clear how many cases
7 in the APU that are currently opened that the Police
8 Commissioner has not signed on. I mean, the
9 calendar cases, the cases that have not made its
10 first appearance, all of the cases that are in the
11 APU. I heard different categories, but I don't -- I
12 don't -- I would like to know a total.

13 MS. CATAPANO-FOX: Okay. So we have seven cases
14 that have guilty pleas and who are waiting, so
15 there's seven; there's one from a trial verdict, so
16 that would be eight. Essentially, there's eight
17 cases right now that are waiting.

18 MR. MARTIN: But there are cases that are
19 calendared for trial?

20 MS. LAURA EDIDIN: Correct.

21 MS. CATAPANO-FOX: Oh, yes.

22 MR. MARTIN: Right. You have cases that they
23 have not made their first appearance. All of those,
24 I mean, the whole thing.

25 MS. EDIDIN: How many cases are in --

1 MR. MARTIN: Yeah.

2 MS. CATAPANO-FOX: 153 cases.

3 MR. MARTIN: 153 cases.

4 MS. EDIDIN: As of the end of February.

5 MR. MARTIN: I think that's what (inaudible).

6 Okay.

7 MR. GITNER: How many -- I'm sorry, I didn't
8 hear. How many cases are calendared, actually
9 calendared for trial?

10 MS. CATAPANO-FOX: Currently, there's 14
11 calendared for court appearance, 40 trials are
12 scheduled. So that would be 54 cases.

13 MR. GITNER: So there's essentially 100 cases
14 that haven't even had a first appearance?

15 MS. CATAPANO-FOX: No. There are 40 -- the
16 40 cases that are trialed, that are scheduled for
17 trial have had a first appearance.

18 MR. GITNER: But there are 40 cases that have
19 had a first appearance, 14 of what?

20 MS. CATAPANO-FOX: Fourteen cases are calendared
21 for court appearance, so they're waiting their first
22 appearance.

23 MR. GITNER: But I thought you said there were
24 153 --

25 MS. CATAPANO-FOX: No. There are 60 other cases

1 that are waiting --

2 MR. GITNER: Oh, 60 other cases.

3 MS. CATAPANO-FOX: -- initial court appearance
4 after trials.

5 MR. GITNER: Oh, I'm sorry.

6 MS. CATAPANO-FOX: So we've got cases that are
7 waiting for first -- that's the 60 cases -- waiting
8 for their first appearance.

9 MR. GITNER: Got it.

10 MS. CATAPANO-FOX: There's 14 more that have
11 gotten the first appearance and are having
12 subsequent appearances.

13 MR. GITNER: Okay.

14 MS. CATAPANO-FOX: And then we have 40 trials
15 scheduled on top of that.

16 MR. GITNER: Can I just ask a sort of a
17 follow-up question, actually. It relates to the
18 report. I don't know -- it doesn't have a page
19 number, but it's entitled: "Officers Against Whom
20 The CCRB Substantiated Allegations." That page. As
21 I read this, and just to make sure I'm reading it
22 right, the Board, it looks like the Board's
23 substantiated approximately 56 cases in February, or
24 at least against 56 officers, and of that, 50 were
25 recommended charges. Am I reading that right?

1 MR. GRANT, JR.: Where are you?

2 MR. GITNER: Unfortunately there's no page
3 number on it, but it's the --

4 MR. GRANT, JR.: Which document?

5 MR. GITNER: It's the statistics -- it's
6 Executive Director's report --

7 MR. GRANT, JR.: Oh, okay.

8 MR. GITNER: -- sort of in the middle, and it's
9 called "Officers Against Whom The CCRB Substantiated
10 Allegations, February 2014."

11 MS. CATAPANO-FOX: Is this the individual case
12 number list?

13 MR. GITNER: That (indicating).

14 MS. CATAPANO-FOX: Yes, okay. That's it.

15 BISHOP TAYLOR: So the question is...

16 MR. GITNER: Well, I just want to make sure I'm
17 reading it right. As I read it, it's saying that we
18 substantiated 56 cases, at least that's what I -- I
19 tried to count it real quick, maybe I'm one or two
20 off.

21 DR. KHALID: Twenty-four cases.

22 MR. GITNER: It goes on a few pages, though, I
23 think. I think it's a three-page report.

24 MR. GRANT, JR.: I'm sorry, Dan. I -- the one
25 I'm looking at says 24 substantiated cases.

1 DR. KHALID: Twenty-four cases.

2 MR. GITNER: Yeah, but, I mean, against
3 officers. Because if you -- it's a three-page
4 report. I think that there are 56 cells in the
5 report.

6 MS. CATAPANO-FOX: Okay, yes. Because some
7 cases will have multiple officers.

8 MR. GITNER: Some cases have more officers.

9 MR. GRANT, JR.: Oh, okay.

10 MR. GITNER: So, sorry. So --

11 MR. GRANT, JR.: I'm sorry.

12 MR. GITNER: -- substantiated 56 -- against 56
13 different officers, or at least 56 different
14 complaints.

15 MS. CATAPANO-FOX: Marcos --

16 MR. GITNER: And an overwhelming majority are
17 charges, at least as I read it.

18 MR. MARCOS SOLER: The Board substantiated 24
19 cases against 35 identified officers. What you have
20 there is the breakdown by specific allegations. So
21 every cell is an allegation. So what you have is
22 case number 2014, it's not an actual case number,
23 but the case number of the month, case number
24 20140201, that is the first case; and then officer
25 ID is the first case in the case, 2014020101; and

1 that is the allegation, and allegation is Stop.

2 Then there are -- 02 is allegation against
3 another officer, which is an allegation of Search.
4 And he also has an allegation of Stop, and he also
5 has an allegation of Frisk. So you have --

6 MR. GITNER: So the officer ID line tells you,
7 for example, in the first case --

8 MR. SOLER: Right.

9 MR. GITNER: -- there are three allegations
10 against one officer whose officer ID ends in 02?

11 MR. SOLER: Correct.

12 MR. GITNER: So that's why there are 35
13 officers, but 56 total cells?

14 MR. SOLER: Thirty-five officers, 56
15 allegations --

16 DR. KHALID: Allegations.

17 MR. SOLER: -- against an officer. So, and this
18 way the Board can see the specific recommendation,
19 penalty recommendation for each allegation, and
20 then, also, in the case of the Police Department's
21 discipline, the specific recommend -- the penalty of
22 the Department on each allegation.

23 The best way to do it is actually on the
24 statistical chart in the disposition by allegation,
25 where we give you that information breakdown.

1 MR. GITNER: Where is that?

2 MR. SOLER: And that will be CCRB disposition of
3 all allegations and CCRB disposition of cases. So
4 CCRB's disposition of cases, we have a total of 24
5 substantiated cases in 2000 -- in February 2014.
6 And by allegation, you will see, then, we have 50
7 allegations that were charges, three allegations
8 that were command discipline, and three allegations
9 that were instructions, which is an unusual pattern
10 for this particular month because normally the
11 number of charges is smaller than the number of
12 command -- than is in this particular report.

13 MR. GITNER: That was really my question. So,
14 thank you, because I was reading it wrong.

15 So, but, I am correct that, at least for this
16 month, February, we have a substantial number of
17 charges as compared to other recommended courses of
18 action?

19 MR. SOLER: The answer --

20 MR. GITNER: It's almost overwhelmingly charges.

21 MR. SOLER: The answer is yes. The Board, for
22 the last five years, the charges rate by the Board
23 is 66 percent. Since implementation of the APU
24 Unit, the Board has continued to have a charges rate
25 of 66 percent. This particular month is unusual,

1 and the charges rate is closer to, close to
2 90 percent. But it's unusual when you compare to
3 both the five previous years as well as the last 12
4 month -- you know, basically, the last eight months
5 or nine months since the implementation of the APU
6 Unit.

7 MR. GITNER: And I suppose nothing in the
8 statistics tells us why. It could be just because
9 the nature of the cases or anything?

10 MR. SOLER: Right. Nothing --

11 MR. GITNER: Nothing in this report could tell
12 you why.

13 MR. SOLER: Correct.

14 MR. GITNER: You have to look deeper. Okay.
15 Thank you.

16 BISHOP TAYLOR: Excellent. Okay. No more
17 discussion on that? We're going to move to
18 Committee reports.

19 MR. GITNER: I'll say one thing on behalf of the
20 now official Investigations Committee.

21 BISHOP TAYLOR: Okay.

22 MR. GITNER: My first official report. I just
23 wanted to report that at least in the last two or
24 three months, Denis and his group, not through,
25 really, any magic from the Investigations Committee,

1 but, frankly, dogged-head work at his new operations
2 and procedures, has been able to reduce the period
3 of time it takes for a case to come in -- between
4 the time the case comes in and gets to a Panel by
5 about 60 days over the last couple of months.

6 So that's a significant, in my view, bump that
7 should hopefully reduce the number of cases that
8 come up against statute of limitations issues, and,
9 in any event, should, to the extent we're dealing
10 with charges, should make the APU's job easier
11 because memories are fresher and they have more
12 time. And I could go on and on, but there's a host
13 of benefits to that. And so I think Denis has done
14 a wonderful job, and I just wanted that to be
15 recognized during this meeting.

16 BISHOP TAYLOR: Can you tell us how the
17 reduction of time was accomplished?

18 MR. GITNER: Honestly, I think it's purely his
19 hard work.

20 BISHOP TAYLOR: Denis, can you give us a --

21 MR. GITNER: He can do it better than I could.

22 MR. MCCORMICK: I had numbers running for the
23 first eight months of last year, and the days to
24 complete was about 335 to get to the -- 335 days for
25 the Investigations Committee -- for the

1 Investigations Unit to get the case to the Board.
2 And then I looked at the last six months, and it's
3 been cut by 60 days. It's down to about 275 or 274.

4 So, I mean, I think there was a huge bump after
5 Sandy, where we had, you know, we had delays in
6 cases. But we've, we've really -- and me and Tracy,
7 we've been trying to sit down with the teams that
8 are -- cases that are over 12 months old, and, you
9 know, really try and make sure, ensure that the
10 cases aren't getting any older, and that we're
11 giving them more guidance at that point so that
12 they're younger, but...

13 And we've also put the new Intake Unit into
14 place where the average caseload per investigator
15 has gone down almost 33 percent, from almost an
16 average of 25 down to 17 in the last two months of
17 active cases. So that also gives them a lot more
18 time to go through cases.

19 So it's been a lot of hard work by the teams and
20 the team managers and supervisors, but it's also, as
21 I said, the new Intake Unit has helped greatly
22 reduce some of their responsibilities with intake
23 just so that it can concentrate on the cases.

24 BISHOP TAYLOR: So you said that post-Sandy the
25 time has organically gotten better in terms of

1 resolving and moving cases forward, right?

2 MR. MCCORMICK: Yeah. I just selected two
3 periods of time because, as I said, I thought eight
4 months after Sandy -- I did it through August of
5 2013 -- and said it was 335. And then I just wanted
6 to look, because I thought that was sufficient --
7 not sufficient, but a decent amount of time away
8 from Sandy, to see whether we were improving or not.

9 BISHOP TAYLOR: And just for public point of
10 clarification, could you explain the Intake Unit and
11 how it relieves 33 percent and what that actually
12 is? I don't want people to be confused with that.

13 MR. MCCORMICK: Gotcha. In the beginning of
14 January, we started a new Intake Unit, which it's --
15 essentially, we have a team of 18 investigators who
16 are -- who get every complaint that comes in and
17 they attempt to schedule all of the complainants
18 right away. So if you call up right now, they'll
19 try and schedule you for tomorrow, or immediately.
20 In the past, there would be one or two other steps
21 before that would happen, so. And in that way, they
22 schedule it for the teams.

23 So they'll schedule it for Thursday, let's say,
24 and tomorrow, Team 6 will be on -- and Team 6 will
25 be responsible for conducting those interviews if

1 the people show up. If the people don't show up, it
2 gets automatically put back into the Scheduling Unit
3 and the Team 6 investigator has no other work to do
4 with that case, but it just goes back to Scheduling.

5 So, in the past, the teams would have to be back
6 in Intake, so there would be -- we guessed that they
7 were missing about three or four days a month by
8 doing Intake duties, either by doing walk-in duties
9 or manning the phones, whatever it might be,
10 inputting cases into CTS. So, you know, we're
11 seeing a pretty drastic reduction, A, in caseload,
12 and times to complete in the two months since we've
13 instituted it.

14 BISHOP TAYLOR: Excellent. Any questions on
15 that?

16 MR. GRANT, JR.: Yeah. And the Intake Unit, I
17 vaguely remember, but do they also have a role in
18 obtaining documents?

19 MR. MCCORMICK: Yes, we have been obtaining some
20 documents. We did have a lot of requests going out
21 prior to the Intake Unit. We have cut down the
22 number of requests in hopes of speeding up --
23 getting some of our other requests back. So we have
24 seen a deduction, but they are in mediation-eligible
25 cases or (inaudible) identification issues that they

1 are sending out for some documents early on, like,
2 immediately or within a few days.

3 MR. GRANT, JR.: And I guess over time, you'll
4 track that to see how that's been helpful and
5 facilitate it?

6 MR. MCCORMICK: Exactly. I mean it's -- some of
7 the numbers I just gave now are easy for us to
8 track --

9 MR. GRANT, JR.: Right, I understand.

10 MR. MCCORMICK: -- but some of the other stuff
11 is going to need four or five months --

12 MR. GRANT, JR.: Right.

13 MR. MCCORMICK: -- or six months to get a
14 thorough interpretation.

15 MR. GRANT, JR.: All right.

16 MS. CATAPANO-FOX: And I have to say the team
17 attorneys are doing an excellent job of reviewing
18 cases. They have -- they get a number -- there's
19 only three team attorneys to review all six teams,
20 and they do an excellent job of not just doing
21 trainings with the teams, but also really reviewing
22 the cases, doing quality control to make sure that
23 the investigations are going properly, and then
24 getting those cases to Panels quickly.

25 So I can't thank Roger and Laura and Brian

1 enough for their hard work in moving these cases
2 along, too. So it really is a team effort from the
3 team managers and supervisors, the investigators and
4 then the team attorneys.

5 MR. GRANT, JR.: Yeah. And the fact, just to
6 emphasize, you know, we see Denis and Laura and, you
7 know, you guys, we always compliment you guys for
8 your hard work as well, it's well deserved, but I
9 think any time we can take the opportunity to really
10 thank the managers and the investigators who have
11 been working extremely hard. And I got to tell you,
12 the level of morale around here has just been on the
13 high, and I hope to continue that.

14 So just know that the Board really appreciates
15 the hard work, and please convey that to everyone.

16 MR. MCCORMICK: (Indicating.)

17 MS. CATAPANO-FOX: Thank you.

18 BISHOP TAYLOR: Excellent. Dan, finished with
19 your report?

20 MR. GITNER: Yes, thank you.

21 BISHOP TAYLOR: Okay. James.

22 MR. DONLON: Reports and Recommendations. Tracy
23 already covered a lot of this, but I just wanted to
24 commend Marcos and Linda and whoever else worked on
25 the annual report, but this is the cover

1 (indicating). It's at the printer. The print
2 product will be available shortly. The actual
3 report is available on the website. The entire
4 report is there. And there is, as Tracy mentioned,
5 there is a press release going out today having to
6 do with the issuance of the annual report.

7 So Marcos promised us at the last meeting that
8 it would be going to the printer very shortly, and
9 his promise was kept. So I appreciate that. And I
10 recommend that everybody take a look at the annual
11 report.

12 BISHOP TAYLOR: Thank you so much. Great work
13 with that.

14 APU Unit? APU Unit. Dave Liston.

15 MR. LISTON: Sure. Thank you.

16 We had a very productive and positive meeting of
17 the Administrative Prosecution Unit Committee this
18 morning. Many of you were there. Just to briefly
19 summarize, we talked about a number of items, but I
20 think perhaps the two most interesting and important
21 relate to the use of nolo pleas, as we call them,
22 and the use of video to permit or to enable a
23 complainant to testify in a case where the
24 complainant happens to be incarcerated.

25 I'll just briefly summarize. As many of you

1 know, a nolo plea, or nolo contendere, refers to a
2 plea in which a person accused of something
3 essentially accepts a penalty, accepts
4 responsibility and, yet, does not specifically
5 acknowledge guilt. And in some cases, those sorts
6 of pleas can be useful in resolving a case and
7 bringing closure to a case. The person ends up
8 being punished as if they had pled guilty; however,
9 for the record, they have not specifically
10 acknowledged the offense.

11 And there are certain situations in which an
12 officer may be perfectly willing to resolve a case,
13 but has the threat of a civil lawsuit and has the
14 concern that by taking a plea, by, under oath,
15 acknowledging what was charged, he or she may be put
16 at a very substantial disadvantage in a related
17 civil case. And so there are cases, and not all of
18 them, but there are cases in which our unit is
19 willing to empower to agree to a nolo plea in order
20 to resolve the matter.

21 As we discussed in the meeting, that's a
22 valuable and important discretion that has to be
23 exercised carefully and wisely. And we talked about
24 the criteria that, in the past, Commissioner, Police
25 Commissioner Kelly used in deciding when to accept a

1 nolo plea and when not to. We now have a new Police
2 Commissioner, and, also, now, we as an APU Committee
3 and we with the APU Unit have to make those sorts of
4 decisions. We had a very productive conversation
5 about that. We're going to continue to look at the
6 criteria and consider modifying them to the extent
7 we think appropriate as we go forward.

8 And then, finally, we talked about the use of
9 video to enable someone who's incarcerated to
10 testify. We talked about how that can be difficult.
11 It can be difficult to have a person actually
12 appear, and, in the past, that just didn't seem to
13 happen. Moving forward, we intend to make it
14 possible for people to participate in the cases that
15 they initiated as complainants whenever we can,
16 whether by video or where possible in person. I
17 think that's pretty much the summary of our meeting.

18 Laura, do you want to fill us in on some other
19 details that I'm leaving out or any other points?

20 MS. EDIDIN: Sure. I'll just touch briefly on a
21 few other items we discussed. I updated the
22 Committee on the status of the APU docket. And in
23 addition, we talked -- I gave thanks to Linda Sachs
24 and Lincoln McVeigh for creating on our website a
25 calendar where APU trials are listed. There are two

1 weeks' worth of trials posted at all times so that
2 if people want to come and observe a trial, a member
3 of the public wants to come, they know when the next
4 trial is coming up.

5 And I also gave thanks to Manager of Community
6 Outreach and Partner Engagement Carlmais Johnson for
7 suggesting that observation of an APU trial be made
8 a formal part of investigator training. She shared
9 the experiences of her interns who found it a very
10 powerful experience. And I also gave thanks to
11 Executive Director Tracy Catapano-Fox for
12 implementing that.

13 And I believe those are the topics that we
14 covered. Thank you.

15 MR. LISTON: Thanks for all the work you're
16 doing. Thanks to John Darche as well and your whole
17 team.

18 MS. EDIDIN: Thank you.

19 MR. LISTON: We're very grateful.

20 DR. KHALID: Mr. Chair, also in the morning
21 discussion of the APU, we were also discussing about
22 the getting in touch with the Panel and getting in
23 touch with the Chair of the APU or with ED regarding
24 emergency situation.

25 MR. LISTON: Right.

1 DR. KHALID: Do you want to mention that?

2 MR. LISTON: I'm glad you brought that up. The
3 other -- when it comes to nolo pleas, because it's
4 such an important balancing, right, on the one hand,
5 we want to resolve cases, bring closure, then be
6 able to focus our resources on other matters, but on
7 the other hand, sometimes for the complainant the
8 most important thing is not the penalty, but it's
9 the fact that the officer, in court, under oath,
10 with someone typing it down and recording it,
11 acknowledged what they did wrong. And so we need to
12 balance those competing concerns.

13 And because it's such an important decision, we
14 talked to the Committee about wanting to be sure
15 that the Board had input into that decision-making
16 process while at the same time not hampering the
17 process. These decisions sometimes have to be made
18 very quickly.

19 And so at least for now, what we've proposed as
20 a committee is that the APU -- Laura would contact
21 both the Executive Director, Tracy, and me, to let
22 us know, hey, in this particular case, we propose to
23 agree to a nolo plea, and we're going to go forward
24 under that basis. There may be cases where either
25 the Executive Director or me say, hey, you know

1 what, this is a tough call, we really should get the
2 Panel involved. And if time permits, we'll do so.
3 On the other hand, when time doesn't permit or it's
4 a perfectly simple decision, we'll do our best to
5 exercise our judgement.

6 DR. KHALID: Yes.

7 MR. LISTON: That's at least how we're going to
8 do it for now. We may revisit that process as we
9 move forward. I think that's a fair summary. I
10 hope.

11 I'm glad you brought it up.

12 DR. KHALID: Absolutely.

13 MS. CATAPANO-FOX: I just want to thank the
14 Board for being so receptive. We often will contact
15 Board members and Panel members ad hoc on an
16 emergency basis, and you are always so generous with
17 your time and receptive to meeting with us. When we
18 have cases that are close to the SOL, we set up
19 emergency panels, and every one of you has always
20 been more than happy to meet with us, talk to us,
21 get involved in these cases. And so I just can't
22 thank you enough for really working so well with us
23 and working with us to get us quick answers when we
24 need it, even though you have all very busy
25 schedules and lives going on. You've been wonderful

1 about being receptive to us, so, thank you.

2 MR. GRANT, JR.: I'm sorry, Commissioner Liston.
3 I spaced out for a second. Are you saying that that
4 is the proposal going -- that you will recommend at
5 some point or is that how it's taking place now
6 where --

7 MR. LISTON: I guess what's happening -- what's
8 been happening to date is that Laura contacts the
9 Executive Director, correct me if I'm wrong, and
10 says, you know, in this particular matter, we'd like
11 to agree to a nolo plea, and she gets approval from
12 our Executive Director. That's fine.

13 The Committee's view was that because it's such
14 an important decision, it would be helpful to have
15 the Board involved in that decision-making. And at a
16 minimum, and for now, what we proposed was to have
17 the APU Chair, myself, be a part of that
18 conversation. That's at least what we propose. I'd
19 like to suggest we revisit that at a future meeting,
20 but I think for now it's at least a way forward.

21 MR. GRANT, JR.: All right. Yeah, I mean --

22 MR. LISTON: And we could, in theory -- by the
23 way, sorry to interrupt you -- we could, in theory,
24 pull together the Panel. And we did talk about that
25 in the Committee. It turns out these nolo pleas are

1 not completely unusual; they happen fairly regularly
2 and they tend to happen -- if you can imagine
3 what -- you know, I used to be a prosecutor, I think
4 you were as well --

5 MR. GRANT, JR.: Yeah.

6 MR. LISTON: -- someone suddenly is ready to
7 take a nolo and you have to make a quick decision.
8 So we want to make sure the Board is represented and
9 involved, but we also want to make sure this is a
10 fluid process. And we think for now this may be the
11 way forward. For now, we just want to try it.

12 MR. GRANT, JR.: No, I agree. And I agree with
13 what you said before about the potential impact on
14 the complainants, right, wanting -- that's a big
15 part of it --

16 MR. LISTON: Sure is.

17 MR. GRANT, JR.: -- the police officer accepting
18 responsibility. I guess, for me, what I think we
19 should not wait on is having a set of criteria put
20 together just for the way that you're proceeding now
21 so that we're -- you know, it's very clear to the
22 public how we are proceeding on these --

23 MR. LISTON: Yes.

24 MR. GRANT, JR.: -- in these matters. And
25 ultimately, we will revisit it and vote on it fully,

1 but I think we shouldn't waste any time with getting
2 those criteria in place --

3 MR. LISTON: I think --

4 MR. GRANT, JR.: -- if they're not already. I'm
5 sorry.

6 MR. LISTON: We agree. I think everyone --

7 MR. GRANT, JR.: Okay.

8 MR. LISTON: That issue came up as well in the
9 Committee. We spoke about the fact that for now
10 we've been looking to guidelines that were prepared
11 by not this Commissioner, but a prior Commissioner,
12 Commissioner Kelly. But now we have our own APU
13 Unit, so we really should have our own criteria.
14 They may very well look the same as the ones before,
15 but they should be our own and we should be ready to
16 change them as we see fit. And that's exactly what
17 we'll do.

18 MR. GRANT, JR.: And is the plan ultimately to,
19 I guess, share the criteria with the PD for their
20 comment or is it -- we're just going to have our
21 criteria in place and so be it?

22 MS. CATAPANO-FOX: We can put the cri- -- a
23 proposed criteria together for the Board to
24 review --

25 MR. GRANT, JR.: All right.

1 MS. CATAPANO-FOX: -- and then if you're
2 comfortable with it, we could then, if the Board
3 wants us to, submit it to DAO for their review so
4 that they understand how we're handling our cases in
5 comparison. That's something.

6 MR. LISTON: I mean, ultimately, it's our
7 criteria. It's ultimate -- I think it's our Board
8 who has to bless it or modify it --

9 MR. GRANT, JR.: Right.

10 MR. LISTON: -- but as with everything else,
11 it's always nice to have input. So as part of the
12 process, I suppose we could run it by someone at the
13 PD and see what they think.

14 MR. GRANT, JR.: Right. I'm just thinking, you
15 know, ultimately, PD imposes the ultimate penalty,
16 and I don't want us to be sort of hit at the end by
17 not really thinking it through.

18 MR. LISTON: Right.

19 MR. GRANT, JR.: So I'm not saying it's the
20 right thing to do, but let's at least put that on
21 the table to discuss.

22 MR. LISTON: It's always good to have it.

23 MR. GRANT, JR.: All right.

24 MR. LISTON: That's for sure.

25 BISHOP TAYLOR: I think, just,

1 Commissioner Liston, just as a point of
2 clarification, I think that what you meant was not
3 that the importance of the cases, but the
4 functionality of the Board. So it's not -- so now
5 it's going to Executive Director, and you're saying
6 that because of the importance of it. I don't think
7 you meant that. What you meant was because of the
8 function. And the function is that we as Board
9 members need to look at these cases and adjudicate
10 accordingly.

11 So I think it's not that it's too important for
12 the ED, it's just the function. Just as a point
13 of...

14 MS. CATAPANO-FOX: And plus, we want -- I think
15 Bishop's --

16 BISHOP TAYLOR: Right?

17 MS. CATAPANO-FOX: -- 100 percent right in terms
18 of the Board made a certain recommendation for a
19 reason. If you substantiated with charges and were
20 expected a guilty plea to be taken, then it makes
21 sense for us to have the Board's input through
22 Commissioner Liston on whether or not, based upon a
23 variety of circumstances and factors we can put
24 together, whether or not a nolo plea would make
25 sense. So, I think --

1 MR. LISTON: Yeah. I mean, to be clear, I
2 didn't mean to suggest that important decisions come
3 to us and the unimportant ones go to --

4 BISHOP TAYLOR: No, no, no. I know what you
5 meant. That's why as a point of clarification, I
6 know what you meant. I know what you meant.

7 MR. LISTON: Yeah. I'm glad. I think what I
8 meant simply was it's important for us to have a
9 role in that decision.

10 BISHOP TAYLOR: It's our function.

11 MR. LISTON: Yeah, I agree.

12 MS. CATAPANO-FOX: Absolutely.

13 BISHOP TAYLOR: It's our function.

14 MS. CATAPANO-FOX: And we want your -- again, we
15 want to fulfill the mission the Board is seeking for
16 us to do. So it's great to collaborate together on
17 these things.

18 DR. KHALID: I think it will be a good idea as
19 well that the Panel should also be informed what has
20 taken place, because Panel is the one making the
21 decision about the substantiation of charges,
22 whatever. So I think when case is done by Laura
23 that we should at least be informed as a Panel, that
24 that case belonged to that Panel.

25 MS. CATAPANO-FOX: Okay. That's great. We can

1 put together a forum and send it to the Panel.

2 MS. EDIDIN: And just, Dr. Khalid, are you
3 suggesting in -- for all APU cases that whatever the
4 resolution of the case is, the Panel should be
5 notified, or just in cases involving a nolo plea?

6 DR. KHALID: A nolo plea, I mean.

7 MS. EDIDIN: Okay.

8 MR. GITNER: I'd like to suggest that in all
9 cases.

10 MS. EDIDIN: Okay. We can do that.

11 MR. GITNER: I don't see why -- I think the
12 Panel should -- I think it would be helpful for the
13 Panels to see what happened to the cases --

14 MS. EDIDIN: That's a great idea.

15 MR. GITNER: -- for going forward, assuming it's
16 not a tremendous burden, which I don't think it
17 should be.

18 MS. EDIDIN: Not at all. We can do that,
19 absolutely.

20 BISHOP TAYLOR: To make it easier, I mean, since
21 APU is a new unit and it's a very exciting time
22 right now, we'll open it up to the full Board.
23 Everyone should have access to how cases were
24 adjudicated in the trial room.

25 MS. EDIDIN: That's great.

1 MR. GITNER: That's a great idea.

2 MS. CATAPANO-FOX: Excellent.

3 MR. LISTON: Good.

4 MR. PUMA: I have a question about the APU
5 calendar. I've actually looked at the calendar
6 online and I think the information's very clear,
7 except that I, unless I'm misreading it, I haven't
8 noticed -- it lists location, but I haven't noticed
9 if it lists the time of the trial. So just take a
10 look at that. I'm not -- because I'm interested in
11 actually attending a trial this month --

12 MS. EDIDIN: Okay.

13 MR. PUMA: -- so I wanted to know when I should
14 actually arrive.

15 MS. EDIDIN: Yes. I will be happy to review
16 that and make sure that that's posted as well.

17 MR. JOHN DARCHE: Sometimes it's very difficult
18 because of the resources available to PD to predict
19 when they're going to start. That's part of the
20 issue.

21 MS. EDIDIN: We can certainly give you the
22 earliest time it would start. So, for example,
23 because there are only two trial rooms at Police
24 Headquarters on a day when there are other court
25 appearances, the trial might not start until the

1 court calendar is finished. So I wouldn't be able
2 to tell you exactly what time it would start, but I
3 could tell you the earliest it would start.

4 MR. PUMA: I see. I see. And, I mean, if
5 that's the case, I mean, I would also -- I mean, I
6 guess you'll have to think through, you know,
7 what -- whether you should be listing a time or at
8 least listing a way for people to find out when they
9 should show up, because I don't notice that also in
10 the calendar. But other than that, I think it's
11 great that it's there and that you're, you know,
12 considering of making it a part of training for
13 investigators.

14 MS. EDIDIN: Thank you.

15 MS. CATAPANO-FOX: Thank you, Mr. Puma.

16 BISHOP TAYLOR: All right. Okay, great. So I
17 guess the Mediation Committee.

18 Jules.

19 MR. MARTIN: Next month.

20 BISHOP TAYLOR: Next month.

21 Outreach. I'm going to ask, Brian, if you would
22 just give us a brief update on Outreach.

23 MR. CONNELL: Outreach has been very, it has
24 become a very robust program. We have scheduled 30
25 events for the month of March. We have another 28

1 events scheduled for the month of April. We've also
2 diversified the organizations to which we do
3 outreach. We have religious organizations, academic
4 institutions, and also senior centers, as well as --
5 what's the other category, it escaped me --

6 MS. CATAPANO-FOX: Government agencies?
7 Prosecutors?

8 MR. CONNELL: Government agencies. So, thanks
9 to the group of interns we have, they've been doing
10 an excellent job pitching Outreach and the Agency's
11 mission to these organizations, some of which have
12 not heard about the CCRB. But once we communicate
13 the message of the Agency and the mission of the
14 Agency to them, they're more than happy to invite us
15 in to do a presentation.

16 So I want to commend them as well and Carlmais
17 Johnson, who is really spearheading that effort as
18 well and doing the majority of these outreaches that
19 are conducted each month.

20 BISHOP TAYLOR: Thank you.

21 MR. GRANT, JR.: Bishop, if I could just ask,
22 because you're chairing the Outreach Committee and I
23 know I'm on it, if we could just formalize a process
24 where that schedule now, that is much more robust,
25 is just circulated to the Committee. I know it's --

1 I know there have been times where you've given it
2 to me and I've tried to see if I can fit it in my
3 schedule, but just so we have, like, a formalized
4 process in place so that if we are able to attend
5 those events, we can just sort of show up.

6 MR. CONNELL: So, I'll be glad to circulate
7 that, but I should note that it's also available on
8 the website, which Linda Sachs repeatedly updates.

9 BISHOP TAYLOR: Updating, yeah.

10 MR. CONNELL: And publish it as well.

11 MR. GRANT, JR.: All right. Thanks.

12 BISHOP TAYLOR: Thank you so much.

13 Any other Committee reports?

14 (No response.)

15 BISHOP TAYLOR: No? Old business?

16 (No response.)

17 BISHOP TAYLOR: Any new business?

18 MR. LISTON: If I may, I just want to very
19 briefly commend Bishop Taylor and our Executive
20 Director, Tracy, for what I thought was such a
21 productive meeting with the Police Commissioner.
22 And I also thought it was very helpful that we met
23 with the senior staff beforehand, and they gave us
24 very valuable input. And as a result of that input,
25 we had a very productive meeting. But I

1 particularly wanted to thank you, Bishop Taylor and
2 Tracy, for your leadership and for a very productive
3 meeting.

4 BISHOP TAYLOR: Thank you.

5 MS. CATAPANO-FOX: Thank you.

6 BISHOP TAYLOR: Excellent.

7 Any more new business?

8 (No response.)

9 BISHOP TAYLOR: No? All right. So we're moving
10 now to public comment. And we have, first speaker,
11 Mr. John Brown.

12 MR. JOHN BROWN: How you doing?

13 BISHOP TAYLOR: Great.

14 MR. BROWN: I just want to say Happy New Year to
15 everybody. I haven't been down here in about three
16 months, but I just want to say -- my wife didn't
17 want to come down -- the Outreach situation and
18 stuff that I've heard about needs to be taken
19 uptown. You got to go to the Bronx because they
20 have no idea of what goes on down here. The
21 questions that I get are, you've been through the
22 process -- by the way, the case is settled with my
23 son with the City of New York.

24 Y'all sent me a letter last week saying that the
25 case was closed; I got the letter last week, case

1 was closed. Y'all didn't find anything, but the
2 city found enough to give him almost \$100,000. What
3 gets me is that y'all cannot find nothing wrong.

4 My son was an Explorer with the Police
5 Department, like I said. First of all, the case was
6 closed right after Sandy, the first time, right
7 after Sandy. There was a month that went by after
8 Sandy where no one could get in touch with anyone
9 from the CCRB, and I understand that. But to get a
10 closing letter at that time, it was like, you
11 can't -- I can't reach you, but you can send me a
12 closing letter. That's -- that was wrong.

13 I've been waiting for Denis McCormick to call
14 me, it's been like three years. But he promised me,
15 I'm going to call you up, we're going to get to the
16 bottom of this investigation because I'm the
17 supervisor of investigation. He never called me.
18 I'm just refreshing y'all's memory.

19 Identification. Dean Meminger interviewed me
20 and my son. The identification now is such that
21 y'all went to the extent to say, we got computers
22 now that can do computer imaging. What do you need
23 a computer image for if you take the pictures of the
24 police officers that are working undercover? Why do
25 we need to speculate about why -- how somebody looks

1 when you could take a picture of them and know how
2 they look?

3 But I can't answer these things, only y'all can
4 answer this, because all I'm saying is that it's not
5 in y'all's power, the things I'm asking you, a lot
6 of it. But it is in your power to sit in front of
7 the Commissioner of Police, which y'all sit in front
8 of, and say to him, why can't we take pic -- these
9 are police officers. They are supposed to protect
10 us. Why can't we have pictures of undercover
11 officers in case they're picked out when a incident
12 happens.

13 Mind you, there was two officers on my son's
14 arrest, the officer that arrested him and another
15 officer. My son has never seen a picture of the two
16 officers. He's never seen a picture of neither one
17 of the two officers that arrested him. When they
18 did show pictures, which we don't even know now if
19 they were the officers because he said he had a red
20 beard and long hair, the pictures that y'all showed
21 him were pictures of officers, like how they look
22 when they come out of the academy, clean cut, all of
23 them, Caucasian. You picked them out. I mean,
24 that's so tainted. The identification is so
25 tainted, it's ridiculous.

1 In a court of law, it would never stand up where
2 you could -- if I slapped a police officer outside,
3 they would never show a picture of me in high
4 school, they would show a picture of me the way I
5 look now. But you brought my son in 18 months,
6 14 months after this happened and showed him a photo
7 array of officers with no facial hair, and he told
8 you on every occasion the officer had a red beard.

9 You can't make this right. You can't make this
10 right to me. My wife is in tears because she don't
11 even want to come down because how can you make this
12 right, in this day and age, where we take pictures
13 of everything? Streaming things, you want to stream
14 things online and all this other stuff, how come you
15 don't got pictures of all -- it's not, like I said,
16 in your power, but wouldn't it be more accurate so
17 it would eliminate a whole lot of mistakes if you
18 got pictures of the undercover officers?

19 I mean, people say all of these things about how
20 it could affect them personally. Well, my son has
21 been affected personally. My son wanted to be a
22 police officer; he doesn't want to do that no more.
23 And, by the way, last week, I got another letter
24 from y'all saying the case is closed; that it's
25 unfounded. There's only two officers there, the one

1 who had my son and the one who arrested -- arrested
2 another kid that was there. But we never seen
3 pictures of the two officers, not yet, and the case
4 has been closed. And if the City of New York can
5 give my black son a \$100,000 -- y'all can't find
6 him. The officers did nothing wrong. Something's
7 wrong with this picture. Something's wrong. Tell
8 me, y'all tell me, something is wrong.

9 I mean, I started off in this in 2011. In 2011,
10 I came down here thinking that we could get justice.
11 All I've been given is promises, man. Every time I
12 asked a question of the CCRB, I would get a form
13 letter back. The letter is the one that y'all give
14 the complaint -- it's the complaint repor- -- this
15 report right here. See this? (Indicating.) This
16 is all you get back. Every time I ask a question,
17 all I get back is this one paper, that's all I get
18 back, and nothing is any different on the paper.

19 Mr. Daw, who was y'all's attorney at one time, I
20 got in to him. Mr. Daw, what do I need in order to
21 find out what these police officers said when they
22 brought my son to the car and my son was -- his face
23 was ripped up, his face was ripped (indicating) when
24 I brought -- when you brought him to the car, what
25 did those police officers say? How did he get like

1 that? I can't get an honest answer.

2 And you want the public to think or to have
3 confidence in you when they ask you a simple
4 question as, what did the officer say when you
5 brought -- when he brought my son to put him -- to
6 transport him, or whatever it is, what did this
7 officer say? How did that young man get like that,
8 John Brown? How did he get like that? Y'all can't
9 tell me.

10 What kind of justice is this? This is not
11 making no sense where there's one justice for the
12 police officers, or whatever it is, or the
13 establishment, but then there's another justice
14 where we can't know anything.

15 Now, when it comes to the investigation, what
16 investigation? We're not included in the
17 investigation. No one comes to -- never -- no one
18 ever came to me. Even whenever I came down here and
19 had the case reopened, I had one investigator, she
20 went over the same thing again. I have never spoken
21 to her again since then. Never spoken to her again.
22 Never. I mean, this is an embarrassment, man, from
23 the beginning to the end.

24 I filed 40 different complaint numbers with the
25 Internal Affairs. They say -- I was wondering --

1 and, first, I filed it with y'all, with CCRB -- why
2 is it that Lieutenant Morris, who is with the 23rd
3 Precinct, integrity control officer, how come he got
4 promoted, but he closed my son's case? How could he
5 close it when he never spoke to my son? He never
6 seen him, never spoke to him, nothing. So how could
7 he close the case? I gave it to y'all. Could y'all
8 find this out for me? Y'all gave it back to me and
9 said the Internal Affairs will find out. Internal
10 Affairs, it's taken me 40 ca -- 40 different
11 complaints I had to make and they still didn't come.

12 I mean, this leaves a lot to be desired. You
13 want to know why people don't have confidence,
14 because when they come to somebody and they ask you
15 -- I mean, we can't even find out anything about the
16 case. Everything is under -- what is that, what is
17 the word that they use? -- under some seal, some
18 freedom of information thing that the police hide
19 behind. Well, if y'all know that they hiding behind
20 it, why don't y'all tell the Police Commissioner?
21 Commissioner Bratton, we can't do the job because we
22 can't get the pictures and we can't get -- we can't
23 get honest answers to anything. It's all in y'all's
24 hands.

25 BISHOP TAYLOR: Mr. Brown, could I just ask you,

1 do you have any specific point that you're kind of
2 getting to?

3 MR. BROWN: Do you know what my particular point
4 is? Just what you're doing to me right now. It
5 never comes out. I can't never get it out because
6 you're telling me what the specific point is. All
7 the things that I said.

8 The identification, you don't let the public do
9 anything toward knowing about the case. We can't
10 contribute anything. Once we give you -- tell you
11 what happened, or whatever it is, that's it. There
12 can't be no investigation like that. People don't
13 respond to stuff like that.

14 If that happened to your son, would you just
15 want someone to tell you, you give them the report
16 and that's it. Excuse me, Investigator. Can you
17 tell me what happened when the Officer and
18 so-and-so-and-so -- what happened? I can't tell you
19 that. Then what are y'all here -- that's what I'm
20 saying. What is the reason for this, then?

21 I mean, they get every consideration about
22 hiding their information. What about my son's
23 information? What about him? What about all these
24 people that -- these are cases, or whatever it is.
25 I mean, this is not -- my son, we didn't make this

1 up. They didn't give my son money because we made
2 this up. They don't do that here in this city. But
3 you're showing that you can get away with doing
4 this. As long you're paying money, you can kick
5 'em, you can drag 'em, you can do anything that you
6 want to do. That's y'all's job. I'm telling y'all,
7 that's y'all responsibility. The public, we look to
8 y'all to do something about it.

9 Take these officers' pictures. They -- we
10 deserve that. We pay their salaries. Why can't you
11 have the guts to say, Commissioner, we can make it
12 100 percent easier if we take the pictures of the
13 undercover officers? But nobody has the guts to do
14 that. Thank you.

15 BISHOP TAYLOR: Thank you so much, Mr. Brown.

16 Now we're moving to Mr. Dunn, Chris Dunn.

17 MR. CHRIS DUNN: Okay. All right. I'm a piece
18 of cake.

19 All right. I'm glad to hear that it's -- spring
20 is in the air. And I know you're not the weather,
21 but I think about the Police Department, so I think
22 about a little more sunshine and transparency. So,
23 that report about the meeting with the PC is not
24 nearly sufficient. So, I would like to hear, as we
25 have heard in prior instances about what was

1 actually discussed at the meeting, and I don't mean
2 the particulars, the back and forth, because that
3 you don't have to disclose, but I would like to hear
4 at least the topics that were discussed at the
5 meeting.

6 BISHOP TAYLOR: So just as a recap, there
7 were -- the meeting was couched in a way that
8 because the new Commissioner was meeting with us for
9 the first time, we didn't want to have a particular
10 hot-and-heavy meeting with issues, but just to find
11 out who the new players are around the table, meet
12 the executive staff and feel out where we would be
13 going in terms of working together.

14 But, however, before meeting with the
15 Commissioner, we met with the teams and outlined all
16 of the high-level impediments that if given the
17 opportunity to really press into them, we would
18 highlight. And so we delineated those things.

19 And so, Marcos, could you give us a recap? You
20 probably have a better photogenic memory than I do
21 in terms of the four or five things that we outlined
22 at the Commissioner's meeting that we discussed, and
23 then I'll take the second part of that.

24 MR. GRANT, JR.: If I --

25 BISHOP TAYLOR: Is your memory as good as mine?

1 MR. SOLER: I --

2 MR. GRANT, JR.: If I -- Bishop, because I see
3 Marc -- you're putting him on the spot.

4 MR. SOLER: Yeah.

5 BISHOP TAYLOR: Okay.

6 MR. GRANT, JR.: Why don't we do this. We have
7 an agenda, right, just an outlined agenda.

8 BISHOP TAYLOR: Oh, yes. Where --

9 MR. GRANT, JR.: Can we have somebody just get
10 that?

11 MS. CATAPANO-FOX: I mean, with the four items,
12 we started with investigations and the Board was
13 very strong in terms of talking about getting
14 documents. I think everyone agreed that timely
15 document exchange between the NYPD and the Agency
16 would be a benefit in terms of moving the cases
17 along and avoiding SOL issues. So everyone agreed
18 to that, that that's something we need to work
19 towards.

20 The next topic the Bishop presented to the Board
21 was mediation in terms of meeting more with the new
22 Deputy Commissioner Susan Herman to talk about how
23 community policing and mediation can work together
24 to encourage both civilians and officers to pursue
25 mediation. So we agreed to that.

1 The third topic was APU. We talked about how
2 APU and DAO can work together as a -- two groups
3 moving forward with prosecutions. And there was a
4 very robust discussion about the ways we could do
5 that.

6 And then, in the end, the idea was presented by
7 Bishop and the Board to have more meetings to meet
8 at least twice a year with the Commissioner or with
9 his staff. Bishop set up a great proposal to set up
10 maybe subcommittee type of meetings where senior
11 staff and executives from the Agency, along with
12 Board members, would meet with the Police
13 Commissioner's staff regularly throughout the year
14 to apprise each other of actions that are going on,
15 but then also to move forward with some of these
16 items that came up before.

17 BISHOP TAYLOR: And also, too, with the
18 mediation, well, with all of these points, the one
19 thing that we wanted to walk away with with the
20 Commissioner was a point person from his executive
21 staff that would move each one of these issues with
22 the appropriate staff at the CCRB. And so rather
23 than whacking the weeds there, just give us a
24 commitment for a follow-up meeting and keep those
25 meetings consistent. And so that's what we're

1 trying to hold the Department to.

2 In terms of mediation, which is a real powerful
3 tool, and trying to figure out why more officers are
4 not really taking advantage of it, and so we talked
5 about looking at the processes in mediation and
6 maybe even considering renaming it. And Susan
7 Herman, who worked on the mediation -- the original
8 mediation proposal for this Agency years back, is
9 willing to work with us to make it more appealing
10 for officers and marketable in that way.

11 So I think that the overall -- and please
12 forgive me for not having the agenda, that's why I
13 ran a blank here -- but -- and thank you, Tracy, for
14 having a photogenic memory.

15 Marcos, I'm sorry for putting you on the spot.
16 You normally have this in your mind.

17 So, yeah. So I think that it was -- this
18 meeting was, I think, the years that I've been going
19 to the Police Commissioner's meeting we've had
20 productive meetings, but this meeting was just more
21 granular, more comprehensive, and more communicative
22 and results-oriented. I just felt there was more --
23 it wasn't smoke and mirrors, it was like, okay,
24 let's get it done, where we tried to move on to
25 other agendas, not to press it and be heavy on it.

1 The Commissioner, you know, pulled back and said,
2 no, let's stay here for a minute and talk about it.
3 So I think that was a very optimistic light for that
4 meeting.

5 MR. DUNN: Okay. I appreciate that.

6 DR. KHALID: Basically, it was a meet-and-greet
7 meeting that -- to get to know --

8 MR. DUNN: It's always easier to be friendly at
9 meet-and-greets.

10 BISHOP TAYLOR: It was more than that.

11 MR. GRANT, JR.: More than that.

12 MS. CATAPANO-FOX: Definitely more --

13 BISHOP TAYLOR: It was much more than a
14 meet-and-greet.

15 MR. DUNN: We'll see how they feel when it's
16 meet-and-demand.

17 BISHOP TAYLOR: It wasn't a meet-and-greet.

18 MR. LISTON: This was a little bit of both.

19 BISHOP TAYLOR: Yeah.

20 MR. DUNN: Okay. And you mentioned the
21 Commissioner's executive staff. Who was the
22 executive staff who was there on their side?

23 BISHOP TAYLOR: So we had Suzanne Herman, Chief
24 Banks, Kevin Ward --

25 MS. CATAPANO-FOX: First Deputy Rafael Pineiro.

1 MR. MARTIN: Ralph Pineiro.

2 MS. CATAPANO-FOX: Ralph Pineiro.

3 BISHOP TAYLOR: Pineiro, First Deputy Ralph
4 Pineiro.

5 MR. GITNER: Head of IAD, Chief Reznick.

6 MS. CATAPANO-FOX: Julie Schwartz, deputy
7 commissioner.

8 BISHOP TAYLOR: Julie Schwartz.

9 MR. MARTIN: Kevin Ward.

10 BISHOP TAYLOR: I said Kevin.

11 MS. CATAPANO-FOX: Inspector Luciani --

12 BISHOP TAYLOR: Luciani.

13 MS. CATAPANO-FOX: -- who's the commanding
14 officer of DAO.

15 DR. KHALID: Chief Reznick.

16 MR. GITNER: Chief Reznick.

17 MS. CATAPANO-FOX: Chief Reznick, IAD.

18 MR. DUNN: Okay. That's an impressive group.
19 Terrific. And who from the Board went?

20 BISHOP TAYLOR: Everyone.

21 MR. DUNN: The entire Board was there?

22 MR. DONLON: Well, I wasn't --

23 BISHOP TAYLOR: Except for...

24 MS. CATAPANO-FOX: Tony was not there because
25 he's in Florida. Janette Cortes-Gomez is seven

1 months' pregnant, and because it was a snow day and
2 she had the flu. She had a confluence of things
3 that prevented her.

4 MR. LISTON: The Board was well represented.

5 MR. DONLON: And I was out of town, for the
6 record.

7 MR. LISTON: And we had a lot of senior staff
8 there as well.

9 MR. DUNN: Great. Okay.

10 MR. LISTON: It was a full table.

11 MR. DUNN: That sounds great. Okay. It's very
12 encouraging. I hope your notion about ongoing,
13 scheduled meetings with them comes to fruition, not
14 that everyone wants to have more meetings in their
15 lives, they don't, but that's an institution that
16 you guys need to have some face time with, and
17 that's terrific. Okay. I appreciate that.

18 In terms of the report, the monthly report --
19 and this relates to the APU business and the
20 investigations issue -- there are a couple of things
21 about the report that stood out. First, there
22 continue to be a lot of 18-plus month cases. By my
23 count, there are 9 cases where it is clearly the
24 Agency's responsibility, either the Board or
25 Investigations, where there's a blown statute of

1 limitations, and I just think that has to be a top
2 priority for everybody to turn that number into
3 zero. People file late, that's a different issue.
4 These are all things that are filed promptly. You
5 just can't have those.

6 I don't understand why there continue to be so
7 few cases coming back from the Department. There
8 were 7 -- 6 cases, 7 officers last month. We've
9 talked about this in prior months, and maybe I
10 missed it, but I keep raising this issue. You're
11 basically getting no cases back from them. And I
12 understand that a bunch of cases are going to the
13 APU now, and maybe that affects the reporting coming
14 back from them, but there's enough of a lag in this
15 entire process, you should be getting more cases, I
16 think. But, I just raise that again.

17 And then I do want to talk about the time for
18 investigations. And, Dan, you were commenting on --
19 and Denis mentioned this -- about being able to cut
20 the investigation time from 335 days to 270-some-odd
21 days, which is -- that's great. Terrific. For a
22 long time, the average investigation time was about
23 9 months, so there may have been a Sandy thing, but
24 I think all you're doing at this point is perhaps
25 getting back to where you were, not that that's

1 unimportant, but, put that in some context.

2 The other thing is, 9 months for an average time
3 for investigations is just way too long. And that
4 is a long time, given the nature of these
5 investigations. And, again, that's the average.
6 So, you know, that means you probably got a lot of
7 cases that are much more than 9 months to get that
8 average.

9 And I would just say, the idea of having an
10 Investigations Committee, I think, is great because
11 my guess is there are many things in the process
12 that you have no control over or have little control
13 over that with a new set of eyes, somebody might
14 say, well, why are we losing 60 days here and why
15 are we losing 90 days there and why are we losing 17
16 days there for things that can be fixed that are no
17 reflection on the effort of the investigators. And
18 I just want to say, 9 months is not, in my view, a
19 happy place to be in terms of an average number for
20 these investigations.

21 And the annual report, I want to say, it's great
22 that you got it out so quickly. I've complained
23 about that for years; I'm going to say, it's great
24 that you got it out so quickly. I wish I had it in
25 my hands, but I'll have it in my hands shortly

1 enough. Since I don't have it in my hands, I'll
2 just ask the question, is there anything in there
3 about recommendations or policy issues pertaining to
4 policing by the NYPD?

5 BISHOP TAYLOR: I'm sorry. I zoned out. Say
6 that again.

7 MR. DUNN: I said, is there anything in there
8 about recommendations or policy issues pertaining to
9 the NYPD.

10 MR. DONLON: You know, I would say, I -- my
11 guess, I shouldn't guess, but my impression is no.
12 But, Marcos, maybe you can --

13 MR. LISTON: Poor Marcos.

14 MR. DONLON: It's really -- you know, I don't
15 know if this is different from previous reports, but
16 it's primarily statistic-based. And in terms of
17 policy recommendations, I don't know that we have
18 any.

19 MR. SOLER: The purpose of the report is to
20 report on the Board activities. As you know, the
21 Board, during the year, has issues on policy
22 recommendations, and, in fact, we have done some
23 analyses. And the idea we have is to continue to do
24 that, but we don't include it in part of the report
25 because we have already released it.

1 So, for instance, there are discussions about
2 some of our information for stop and frisk, there
3 are some information regarding the housing study
4 that we did and all the findings, that now they are
5 called a substantiations rate and things like that,
6 in which, certainly, there are some policy issues.
7 But many of those issues are later addressed in the
8 specific reports, like we did last month in which we
9 released a report on vehicle stop and vehicle
10 searches.

11 So we do that, we talk about vehicle stop and
12 vehicle searches in the annual report, but then we
13 decided to have a -- one separate memo addressing
14 the discrepancies that we see between vehicle stops
15 in which we have also a search of a person, versus
16 vehicle stops in which we don't have that.

17 So our -- I think the approach is that we can
18 work with the Committee, send them in specific
19 policy recommendations and the Committee can look at
20 them, and then continue to work on the specific
21 items, rather than waiting to put them all together
22 and aggregate them on the annual report.

23 BISHOP TAYLOR: And speaking of policy, one
24 thing that really hit policy at that meeting was the
25 Mediation Unit. And Susan Herman talked about

1 really working with us to expand -- make it more
2 appealing, maybe even tweak the name a little bit so
3 that it's more accommodating to what we're actually
4 doing, you know. So I think that that's policy that
5 can be rightly changed very easily just from that
6 interchange that we had.

7 So I think those kinds of interchanges were, the
8 interchanges and exchanges that we had at the
9 meeting that, in the follow-up, we feel we'll nail
10 down.

11 MR. DUNN: Okay. Well, let's go off on that
12 tangent just for a moment. So this mediation
13 business, I know you guys love mediation, and I
14 don't know what the marketing buzzword you have in
15 mind that's going to be friendlier to cops than
16 "mediation," which sounds pretty friendly to me,
17 maybe we will call it the "Officer Promotion" or
18 "Extra Overtime Program," but, my point is, I want
19 everyone to understand, we like mediation to a
20 certain extent.

21 But the big downside to mediation is you do not
22 investigate the case. And this relates to the
23 policy issues because when you investigate cases,
24 you find out about things. You know, we here are
25 litigators, you all know about this. When you do

1 discovery, you find out about things. This is no
2 secret. When we sue the Police Department, one of
3 the big benefits we get, and we do it on occasion,
4 is we find out about things they don't otherwise
5 want to tell people about.

6 So the downside of mediation, and do not lose
7 sight of it, is you end up with a case that is a
8 black box. And that is not helpful when you're
9 trying to figure out what's going on in the Police
10 Department and what's going on with police
11 misconduct.

12 So, to go back to the report and the issue of
13 recommendations and policy issues -- and, Marcos, I
14 know you're not the one who's making the decision on
15 this, so this is not addressed to you -- but, you
16 heard me say this many times before, an important
17 part of what you do is not just investigate cases,
18 but to figure out what's behind the cases and try to
19 make recommendations about things behind the cases
20 so people in the future don't have the experiences
21 that people in the past should not have had.

22 And the fact that there may have been a
23 three-pager issued in the course of a monthly
24 meeting about a policy issue is no different along
25 the line the fact that the monthly statistics every

1 month come out at these meetings, and you put them
2 in the annual report, the fact that they've come out
3 before is no reason you put it in there. The annual
4 report is the single, most important document you
5 put out. It is the piece of historical record that
6 tells us all what the CCRB has done for that year.

7 And when I see year in and year out reports that
8 have nothing but essentially numbers in them, and
9 nobody who is smart and introspective and
10 thoughtful, like you guys, saying, think about
11 what's behind some of these numbers, think about
12 some of the policies that these numbers implicate.
13 When I don't see anything about that and the public
14 doesn't see anything about that, what they are left
15 with is the clear impression, which I think has been
16 the case for too many years, that you guys have your
17 heads down, you're investigating cases to your
18 credit. But that's all you're doing. Okay?

19 So, it is spring, I look forward to a new day
20 with both the Department and the CCRB, but part of
21 that new day has got to be getting your heads up,
22 saying what's actually going on out there in a way
23 of practices and policies that we should be paying
24 attention to so we can avert police misconduct in
25 the future, and you have to speak out about that.

1 And the public annual report is the place to do
2 that. Thank you.

3 BISHOP TAYLOR: All right. Thank you, Mr. Dunn.
4 All right. If we're finished with public
5 comment --

6 MR. DONLON: You know, I just want to bring up
7 one thing. I know Mr. Brown has left, but he
8 mentioned, and, again, I don't want to get into a
9 discussion of his specific case, but since he did
10 mention that the case was unfounded, according to
11 his statement, I'm just looking to see if maybe
12 Denis or someone can confirm whether -- the
13 implications, to my mind, from that statement is
14 that these officers were eventually identified.
15 Would that be correct?

16 MR. GITNER: I think that there shouldn't be any
17 public comment on the specifics of his case. To me,
18 what Mr. Brown said was important, but what he said,
19 to me, is that we as a Board should think better
20 about how we communicate with individual
21 complainants because, clearly, we failed. Our
22 investigation may have been fine, I don't know, I
23 wasn't a part of it, I'm assuming it was fine, but
24 clearly we failed in how we communicated to him, one
25 way or the other. But I'm not sure that we should

1 be, without deep thought, communicating on the
2 merits or specifics of any individual case.

3 MR. LISTON: That's for the Executive Session.

4 MR. DONLON: Well, I appreciate that, but I
5 mean, the whole thrust of his appearances here have
6 been to the point that these officers were never
7 identified. And I thought it would be worth -- I'll
8 withdraw my question. I think discretion is the
9 better part of valor. But I just --

10 MS. CATAPANO-FOX: Mr. Donlon, I think that his
11 overarching theme has been -- I've spoken to him, I
12 know a number of -- I know Denis has spoken to him
13 and other people and staff have spoken to him,
14 including the assigned investigators and the
15 supervisors -- is that he's concerned that there are
16 no photographs, recent photographs of undercover --

17 MR. DONLON: Understood.

18 MS. CATAPANO-FOX: -- officers.

19 MR. DONLON: That I know.

20 MS. CATAPANO-FOX: So that's -- that tends to be
21 a lot, not all of what he's talking about, what
22 you're saying is correct, too, but I think that
23 today he expressed that thought as well, that
24 NYPD --

25 MR. DONLON: Well, I don't have any --

1 MS. CATAPANO-FOX: -- has some concerns about
2 that.

3 MR. DONLON: I wasn't on the Panel that decided
4 the case, I don't really have any information except
5 what he said at these public meetings. But we can
6 discuss it in Executive Session, if that's --

7 BISHOP TAYLOR: All right. Commissioner
8 Donlon --

9 MR. DONLON: -- the better way to go.

10 BISHOP TAYLOR: -- I agree with you, though,
11 that we, and Dan as well, just the way we
12 communicate with the public, you know. We certainly
13 -- I'm not sure if we could, from this particular
14 case, extrapolate an opinion on how we actually
15 communicate with him because obviously this is a
16 very highly sensitive case. He was very agitated
17 and irritated about the process and there was some
18 extenuating circumstances that made it that way.

19 But we should certainly always try to have a
20 happy and a meaningful communication and resolve
21 with the public because we serve the public and
22 we're their arm to investigate their concerns. And
23 so, you're right, we cannot have the public so angry
24 at us.

25 MR. GITNER: There's clearly a problem with --

1 BISHOP TAYLOR: Yeah.

2 MR. GITNER: Regardless of the merits of the
3 case --

4 BISHOP TAYLOR: Right.

5 MR. GITNER: -- his son was clearly injured.
6 And everybody in the room can understand how he
7 would feel about that. And to get a -- essentially
8 what he's saying is he got a form letter saying
9 "unfounded," or whatever it said.

10 BISHOP TAYLOR: Right.

11 MR. GITNER: That is probably insufficient and
12 is a failure on the system's part. In cases like
13 that where there's physical injury and it's so
14 emotional, there probably should be a more intimate
15 form of communication even if the message is an
16 unhappy one.

17 BISHOP TAYLOR: Excellent. Yeah. Well, I'm not
18 sure how much of that kind of feeds into the
19 Investigations Committee. It might have some
20 connection to it, but I think that you're dead on
21 with the way we communicate with the public.

22 MR. LISTON: Would it be -- let me say this.
23 You know, we don't have a full blow on others. We
24 don't -- we hear his allegations and they're very
25 serious and he seems very sincere, but we haven't

1 heard everybody else's side of the story.

2 The issues he raises are important enough. I
3 wonder if it would make sense for us to create a
4 subcommittee to look at the issues he's raised,
5 perhaps in an Executive Session, because it deals
6 with a specific case.

7 BISHOP TAYLOR: Yeah. I think that we've done
8 this already --

9 MR. LISTON: Okay.

10 BISHOP TAYLOR: -- if you remember. I mean, I
11 don't know if we want to go back -- we can certainly
12 discuss this. In his case particularly, I know that
13 I've went back over it with other people that have
14 gone back. And, you know, so -- I mean, but, of
15 course, if you want to go back into this again --

16 MR. LISTON: Well, I don't want to revisit
17 something we've already visited.

18 BISHOP TAYLOR: Yeah. We've -- I mean, all of
19 us have kind of, at different intervals, chimed in
20 because, you know, you're right. You know, we all
21 have children, we all -- but besides the fact, I
22 mean, we serve the public and there's an impassioned
23 a plea for, you know, further investigation. I'm
24 going to respond -- we're all going to naturally
25 respond to it. But I think that we've kind of rode

1 that horse, and, but, we certainly can revisit it
2 again.

3 DR. KHALID: Mr. Chair, also, the question of
4 identity, I think that's the policy of the Police
5 Department, that they implement that. I don't know
6 if CCRB perhaps can request the current picture of
7 the police officer, but I don't know if that's our
8 jurisdiction. That's probably the policy of the
9 NYPD.

10 MR. MARTIN: Well, when you talk about
11 undercover officers, you have to think about their
12 safety as well.

13 DR. KHALID: Absolutely.

14 MR. MARTIN: And it's an uber-sensitive issue
15 when you're dealing with those types of identities.
16 So it's not just a simple -- it's not simple --

17 DR. KHALID: My question is --

18 MR. MARTIN: -- at all.

19 DR. KHALID: -- about Mr. Brown, that he was
20 insisting upon the identity issue, which is a policy
21 by the Police Department. And I guess CCRB has no
22 power over it. Like you said, the identity of the
23 officers, undercover especially, has to be
24 protected.

25 MR. MARTIN: And you got to remember that there

1 are different levels of undercover. And I have
2 no -- I have to go and refresh my recollection on
3 that particular case, but whenever you talked
4 about -- talk about undercover, it is an extremely
5 sensitive issue.

6 MS. CATAPANO-FOX: And pursuant to the Board's
7 request, we were able to confirm with the NYPD that
8 they take pictures every couple of years, and it is
9 the ICO's responsibility to ensure that the officers
10 are routinely getting their pictures updated. So
11 the issue that the photos that were shown would be
12 someone who had just come out of the academy and
13 then had been on the job for a number of years, we
14 were able to resolve that, that that was not the way
15 that these cases -- that the photographs were
16 showing.

17 DR. KHALID: Was that communicated to Mr. Brown?

18 MS. CATAPANO-FOX: It was.

19 MR. DUNN: Can I get back on the soapbox just
20 for one second?

21 BISHOP TAYLOR: Yes.

22 MR. DUNN: Okay. I think it is important to
23 look at the communications to go to -- to
24 complainants, and this is something we've talked
25 about in past years. You look at those letters that

1 a complainant gets at the conclusion of a case, and
2 a lawyer getting that would not be pleased with it.
3 A typical complainant is going to be immensely
4 displeased and is actually going to have a difficult
5 time even figuring it out. I realize there are
6 categories and there are definitions, and, you know,
7 the lawyers can figure it out; it's not a
8 complainant-friendly letter.

9 MS. CATAPANO-FOX: Okay.

10 MR. DUNN: The other thing, which I forgot to
11 mention and I will just do it quickly, and this will
12 not be a standard feature of my shtick, but, and I
13 met with Tracy about this, there was a memo that
14 went out from a team leader, I don't know, end of
15 January, about the issue of whether or not a frisk
16 done in conjunction with a summons was permissible
17 or not as a matter of law. And it took the position
18 that it was permissible, and, therefore, it was not
19 misconduct by an officer to conduct a frisk in
20 conjunction with a summons, nontraffic summons, even
21 without any suspicion of the person presenting a
22 danger or having a weapon.

23 This is a pure policy memo. It, I am told, it
24 represented the position of a person in a particular
25 case, got put in a file and that was it. But when I

1 see something like this (indicating), this is pure
2 policy, this is something the Board should be aware
3 of, this is something the Board should weigh in on.
4 It is, at some level, a pure issue of law. There is
5 no discussion of the facts of any case in here, it
6 is a straightforward legal memo: Can cops frisk,
7 without suspicion, people to whom they give
8 summonses.

9 Tracy -- it says -- told me that this is
10 something the Agency is looking at, and I am just
11 saying it for the public record that I am concerned
12 about this and I look forward to hearing a public
13 report about what the Agency ends up doing on this
14 policy issue.

15 BISHOP TAYLOR: That's a very good point that
16 you raise, and we talked about that in an earlier
17 Panel meeting, whether or not search or frisk is,
18 when a person is receiving a summons, the same as a
19 person being in custody. So it's a very gray area.
20 We discussed that this morning, so that's -- so that
21 did not get buried; that's on the top of our list.

22 Okay. I think that we're ready to adjourn.
23 Thank you so much for a great meeting.

24 (Whereupon, the hearing concluded at 11:44 a.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 KINGS)

I, MARGARET CRANE, 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 24th day of March, 2014.

MARGARET CRANE

**Public Board Meeting
March 12, 2014**

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