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2 PUBLIC MEETING OF
3 THE CIVILIAN COMPLAINT REVIEW BOARD
4 -----X

5 July 8, 2009
6 10:12 a.m.
7 40 Rector Street, 2nd Floor
8 New York, New York 10006

9
10 ERNEST F. HART, ESQ., CHAIR
11 JOAN M. THOMPSON, EXECUTIVE DIRECTOR

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13 PUBLIC MEETING AGENDA:
14 1. Call to Order
15 2. Adoption of Minutes
16 3. Report from the Chair
17 4. Report from the Executive Director
18 5. Committee Reports
19 6. Old Business
20 7. New Business
21 8. Public Comment

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24 Reported By: Jason Gottlieb

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2 BOARD MEMBERS:

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4 YOUNGIK YOON, ESQ.

5 WILLIAM F. KUNTZ, II, ESQ.

6 MICHAEL MCCANN, ESQ.

7 DANIEL D. CHU, ESQ.

8 JAMES DONLON, ESQ.

9 DR. MOHAMMAD KHALID

10 TOSANO J. SIMONETTI

11 DAVID G. LISTON, ESQ.

12 BISHOP MITCHELL G. TAYLOR

13 JULES A MARTIN, ESQ.

14 CAROL LIEBMAN, ESQ.

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1 THE ACTING CHAIR: Good morning,
2 ladies and gentlemen. And with your
3 permission I would like to call the
4 public meeting of the Civilian Complaint
5 Review Board for Wednesday, July 8, 2009
6 to order. I'm Bill Kuntz; I'm the acting
7 chair today. Mr. Hart is traveling. And
8 the first order of business after the
9 call to order is a request to have a
10 motion with respect to the adoption of
11 the minutes which have been circulated to
12 the members of the board and I believe
13 are also available to the members of the
14 public. So the members of the board have
15 had a chance to review the minutes. Is
16 there a motion with respect to approval
17 of the adoption of the minutes?

18 MR. MCCANN: Motion to approve the
19 adoption of the minutes.

20 MR. SIMONETTI: Second.

21 THE ACTING CHAIR: Any discussion
22 with respect to the minutes? All in
23 favor of the motion?

24 MEMBERS: Aye.

25 THE ACTING CHAIR: All opposed?

1 MEMBERS: (No response).

2 THE ACTING CHAIR: Any abstentions?

3 MEMBERS: (No verbal response).

4 THE ACTING CHAIR: One abstention.

5 The motion is carried. Thank you.

6 Report from the chair. Do I have a
7 report?

8 MS. THOMPSON: No.

9 THE ACTING CHAIR: Mr. Hart, as I
10 said, is traveling, and so I have no
11 report to make in his stead today,
12 however, we will be having reports from
13 committees and we will have a bit of new
14 business to address further in the
15 meeting. So please stay tuned.

16 The next item we have is the report
17 from the Executive Director, Ms. Joan
18 Thompson.

19 MS. THOMPSON: Okay. In June 2009,
20 the CCRB received 651 complaints or nine
21 fewer complaints than it received in June
22 2009 when the agency received 660
23 complaints. That constitutes a one
24 percent decrease in complaint activity.
25 Year-to-date 2009 the board has received

1 4,065 complaints. This represents eight
2 percent more complaints than it did in
3 the same period of 2008 when the agency
4 received 3,764 complaints. The current
5 projected annual complaint rate for 2009
6 remains between 8200 to 8400 cases, and
7 you know that last year the rate was
8 approximately 7500 cases. In June 2009
9 the board closed 1,203 cases. Year-to-
10 date the board has closed 3,702 cases.
11 Of these year-to-date board closures,
12 1,185 cases were full investigation.
13 That means that thirty-two percent of all
14 closed cases were full investigations,
15 which is identical to the thirty-two
16 percent rate for 2008. We have mediated
17 fourteen cases in June and sixty-four
18 cases year-to-date. We have also
19 attempted to mediate sixteen cases year-
20 to-date. From January to June the
21 substantiation rate is 7.3 percent which
22 is almost identical to the substantiation
23 rate for 2008 which was 7.2. In June the
24 CCRB substantiated eighteen cases
25 containing at least one substantiated

1 allegation against twenty-three officers.
2 With the board closing approximately 600
3 more cases than it received, the agency's
4 open docket showed a thirteen percent
5 decrease in relation to the previous
6 month's open docket. The docket stands
7 at 4,120 cases. About ninety-two percent
8 of our open investigations have been
9 filed within the past year. Of the open
10 cases in the current docket, 1,430 cases
11 are awaiting panel review, or 34.7
12 percent of all open cases. In May 2009,
13 the police department disposed of twenty-
14 four cases. Seventeen officers received
15 disciplinary action and seven officers
16 did not receive disciplinary actions,
17 resulting in a seventy-one percent
18 disciplinary rate. Year-to-date the
19 disciplinary rate is fifty-eight percent.
20 In 2008 the percentage of officers
21 disciplined by the NYPD was fifty-six
22 percent, which was four percent point
23 lower than the sixty percent rate for
24 2007. In May the department closed seven
25 cases as declined to prosecute and

1 disciplined four officers with command
2 discipline and ten officers with
3 instructions. Three officers were found
4 guilty in three cases. The year-to-date
5 department decline-to-prosecute rate is
6 forty percent.

7 On the budget I just wanted to say
8 that we have received official notice
9 from the City Council that unfortunately
10 they will not be giving us any additional
11 funds. So therefore the agency's head
12 count will remain at 160, and we'll have
13 a budget of \$10,271,000.

14 I also would like -- in your packets
15 today you'll see the annual report, and I
16 just really want to thank Phil -- is Phil
17 here? Oh, Phil, you usually sit over
18 there. I'd like to thank Phil and Meera
19 and of course the Reports and
20 Recommendations Committee which is Mike,
21 Dan and Jim for their hard work in
22 producing the annual report. And that's
23 it.

24 THE ACTING CHAIR: Thank you. And I
25 share in your commendation of the staff

1 and board members who were instrumental
2 in preparing this report. It truly is an
3 excellent work product.

4 Next item we have our committee
5 reports. Do we have committee reports?
6 Operations Committee?

7 MR. SIMONETTI: No.

8 THE ACTING CHAIR: Yes. Which
9 committee, sir?

10 MR. SIMONETTI: MIS.

11 THE ACTING CHAIR: All right,
12 Commissioner Simonetti, MIS. Please
13 proceed.

14 MR. SIMONETTI: In light of the fact
15 that next month the rules, the new rules
16 will go into effect, I've had some
17 conversation with Yuriy about our
18 teleconferencing, whether it be video
19 teleconferencing or web teleconferencing,
20 regarding board members and as we
21 discuss the cases in panel. And Yuriy
22 has done some preliminary work in looking
23 at the whole issue of teleconferencing.
24 I have raised it at the Operations
25 Committee; we discussed it very, very

1 briefly. There is a couple of concerns,
2 and we'll deal with those later when we
3 have a -- if I can get other members,
4 other board members and the MIS Committee
5 together, we could raise those questions
6 and more technical questions on how the
7 system is going to operate in terms of
8 confidentiality and encryption and things
9 like that. We can get into those issues
10 later on.

11 But it appears that we can do this
12 and rather easily. There are several
13 software packages out there which Yuriy
14 is currently taking a look at, and there
15 appears to be a couple that would
16 probably work, rather inexpensive to
17 have, so hopefully at the next meeting or
18 before the next meeting we'll have an MIS
19 Committee meeting, and then report back
20 to the full board on some of the issues
21 that we learned about.

22 THE ACTING CHAIR: Thank you,
23 Commissioner Simonetti. Are there any
24 questions of Commissioner Simonetti from
25 the members of the board about his

1 report? Thank you very much.

2 Operations Committee. Ms. Thompson,
3 would you care to give a brief synopsis
4 of the Operations Committee meeting that
5 we had this morning?

6 MS. THOMPSON: Okay. The Operations
7 Committee, we dealt with just -- one of
8 the things was what Tony was discussing
9 about opening up panels to teleconferencing and
10 how MIS can assist in bringing about the best method
11 of achieving the goal. Another point was the need to
12 collect information on Tasers, to establish a separate
13 drop-down box which would refer only to Tasers.
14 Right now Taser -- anything with Tasers
15 is collected under force and is not a
16 separate broken-out category, so it's not
17 easily attainable in terms of our stats.
18 This way we would have a separate box for
19 it and we would be able to collect statistics
20 more easily.

21 So we talked about that and through
22 the discussion how we will proceed in the
23 future. It was decided that we will change
24 our present system to make sure we collect all
25 Taser information.

1 THE ACTING CHAIR: And that would
2 put it more in line, if I understand it,
3 with the traditional way in which we've
4 recorded such items as nightsticks or
5 flashlights, is that correct?

6 MS. THOMPSON: Yes, that's correct.
7 We also discussed that it's time again to
8 have a meeting with the PC and Chair
9 Hart will be setting that up shortly.
10 Hopefully we'll do it between now and
11 beginning of the fall. We usually meet
12 with the PC two times a year, and our
13 last meeting was in December, so it's
14 time for another meeting.

15 Also the November board meeting,
16 was discussed as this November it falls on
17 Veteran's Day. Since it's a holiday and
18 the office is closed, the Board decided
19 to move the meeting to November -- the
20 following Wednesday, but it will be on
21 the web site and we will send out
22 notification to everybody.

23 THE ACTING CHAIR: And that will be,
24 I believe, November the 18th --

25 MS. THOMPSON: 18th, I believe it

1 is, yes.

2 THE ACTING CHAIR: -- at 10 a.m.
3 here at 40 Rector Street, but as the
4 Executive Director pointed out, that will
5 be on the web site so you'll have plenty
6 of advance notice but we're putting it on
7 the record now as well.

8 MS. THOMPSON: Yes.

9 THE ACTING CHAIR: Okay? Is there
10 anything else from the Operations
11 Committee?

12 MS. THOMPSON: Just one item -- the
13 last thing was the audit report; that we
14 did receive our final copy of the audit
15 report from the Comptroller's office, and
16 we had sent back our response to it, which
17 is included in the audit report; so if
18 anybody's interested they can have a copy
19 of it to see. And that's it.

20 THE ACTING CHAIR: And is that on
21 the web site, or --

22 MS. JOSHI: It's on the
23 Comptroller's web site.

24 MS. THOMPSON: It's on the
25 Comptroller's web site; it's not on our

1 web site.

2 THE ACTING CHAIR: And what is the
3 date of that just for anyone who might be
4 interested in seeing it?

5 MS. JOSHI: I think it's June 26th.

6 MS. THOMPSON: I'll tell you in a
7 second. June 30th.

8 MS. JOSHI: Okay.

9 THE ACTING CHAIR: June 30th and
10 that will be on the -- that is on the
11 Comptroller's web site?

12 MS. THOMPSON: Yes. All the reports
13 are on the Comptroller's web site.

14 THE ACTING CHAIR: Okay. Thank you.

15 MS. THOMPSON: You're welcome.

16 THE ACTING CHAIR: Are there any
17 questions or additional comments about
18 the Operations Committee meeting?

19 Hearing none, thank you.

20 Is there any old business that the
21 members of the board wish to raise? Is
22 there any new business which members of
23 the board -- Professor Liebman?

24 MS. LIEBMAN: As many of you know,
25 and in fact as many of you knew before I

1 knew, given the CCRB grapevine, this will
2 be my last meeting as a member of the
3 CCRB. So I wanted to take this occasion
4 to say a number of thank-yous. First to
5 Mayor Bloomberg for the opportunity to
6 serve on the board. It's been a
7 privilege to be a part of the CCRB and to
8 do part of the hard work that all of you
9 do day in, day out. Thank you to my
10 colleagues on the board. I think this is
11 assuredly the most hard-working board in
12 the city. When I joined the CCRB in
13 October of '03 we were reading seventy-
14 five cases a month. Now we're reading
15 175 a month. That means in my almost six
16 years on the board that I've read between
17 8500, conservatively, and 1,200 mediation cases.
18 And the police representatives, Tony, I'm
19 not going to miss that, have read twice
20 that, which is just an astonishing
21 number. More importantly for me, I
22 think, I figure that at least 200-220
23 novels that I haven't read in that time.
24 So I'll send you book reports.

25 Thank you to Executive Director

1 Thompson, the rest of the senior staff
2 and the entire CCRB team for doing an
3 important and too often undervalued job
4 with commitment and equality. And a
5 special thanks to the investigators and
6 the team leaders. A few months ago I
7 realized when I really became quite
8 grumpy reading my packet of cases because
9 there were a few cases with problems in
10 the write-ups, how much I'd come to take
11 for granted the effort you put into each
12 case. I wish there was some way to
13 communicate both to the public and to the
14 officers who are the subjects of
15 complaints just how thorough, fair and
16 conscientious each of you is in your
17 investigations. I think that is a
18 service to the city that there's no way
19 to recognize but is really invaluable in
20 terms of relationships between citizens
21 and police.

22 Thank you also to the many members
23 of the department, the police department,
24 who do an essential, dangerous and
25 difficult job well, and thank you to the

1 citizens, the many citizens of New York,
2 who take the time to let CCRB know when
3 they feel that officers have failed to
4 live up to the high standards that we
5 expect of them. Now one of the reasons I
6 joined the board was to support the
7 increased use of mediation to resolve
8 complaints. I think progress has been
9 slower than we had hoped, but the
10 mediation unit is in the midst of several
11 promising initiatives and I know that the
12 numbers, I think, look like they're going
13 to set real records for this year if they
14 continue the second half of the year as
15 they have in the first. I continue to
16 believe that mediation is the best way,
17 often, to have officers understand the
18 impact of their behavior on the citizens
19 they interact with and for citizens to
20 develop a better understanding of the
21 pressures under which officers work and
22 the reasons underlying police procedures.

23 If there's ever charter reform I
24 hope that one of the items on the CCRB
25 agenda will be the ability to mandate

1 mediation, although how and under what
2 conditions is something that would have
3 to be thought about very carefully.

4 I also hope that in a few years
5 it'll be possible for me to come back and
6 do the part of my work at the CCRB that I
7 always enjoyed the most, which is to
8 return as a mediator. Meanwhile I look
9 forward at the beginning of each semester
10 to having investigators continue to
11 participate in the basic mediation
12 training at Columbia and remember, I'm
13 going to be able to keep an eye on you
14 guys that way 'cause I'll now be able to
15 hear what's really going on.

16 And finally, thank you to Chris
17 Dunn. While I haven't always enjoyed
18 your comments, you in many ways function
19 as the conscience of this agency, and the
20 hard, important difficult questions that
21 you consistently raised I think made us
22 better at our job.

23 So I'm going to miss working with
24 all of you. I'll think of your when I
25 read my novels, I'll think of you on the

1 second Wednesday of each month when I'm
2 doing other things and I know that the
3 agency continues to be in good hands and
4 I wish you all Godspeed. Thank you.

5 (Applause)

6 THE ACTING CHAIR: Thank you. I'm
7 sure a number of us at the table will
8 have comments but let me take the
9 prerogative of the acting chair to
10 comment that as some of you may know I
11 have a long-standing love of the game of
12 baseball and a son who is a baseball
13 executive, so in the interest of full
14 disclosure, I'm going to tell you a
15 Yankee story, but I also like the Mets.

16 When the New York Yankees had a
17 player name Joe DiMaggio, who was
18 retiring, many people thought they would
19 never see a great center fielder again in
20 Yankee Stadium. A country boy named
21 Mickey Mantle gave lie to that. When
22 this board lost a distinguished professor
23 from Columbia named Debra Livingston to
24 the Second Circuit, many of us thought we
25 would never see someone who could

1 demonstrate the knowledge and wisdom and
2 grace that now Judge Livingston had
3 demonstrated as a member of this board.
4 Fortunately as was true for Yankee fans,
5 it is true for us here at the board that
6 we have been truly graced and honored by
7 the knowledge and wisdom of Professor
8 Carol Liebman, who has been a force for
9 mediation, a force for conciliation and
10 someone whose intellect and integrity is
11 second to none.

12 I will tell you this: She will be
13 back, not in a Freddy Krueger way but in
14 a very positive way, to keep an eye on
15 us. I'm delighted that she's going to be
16 reading novels and not writing them, but
17 if she ever decides to write a novel you
18 can be sure it will be done with the
19 grace and class which she has brought to
20 her time here. Her comments are
21 absolutely consistent with her work here.

22 I wish you, Professor, and Lance and
23 your entire family Godspeed and all the
24 best. You have left this agency stronger
25 and more vibrant and I thank you for your

1 service.

2 MS. LIEBMAN: Thank you, Bill. Even
3 though I'm a passionate Red Sox fan, I
4 appreciate that --

5 (Laughter)

6 THE ACTING CHAIR: No one is
7 perfect. All right. Other comments from
8 members of the board? Commissioner
9 Martin?

10 MR. MARTIN: It's rather easy in
11 this instance to follow Dr. Kuntz because
12 I can just say I echo everything that he
13 has said, with a extra dimension,
14 personal dimension. I would stand, but I
15 think that I may be accused of
16 replicating our Lieutenant Governor of
17 years past so I will sit, but only to
18 tell you that I think Carol was -- made a
19 misstatement about the 220 novels; she
20 has in fact read 220 novels but each
21 chapter was a case that a complainant
22 filed against our police officers. She
23 read that novel over the course of the
24 last six years with the diligence of any
25 Supreme Court case that's gone before the

1 courts.

2 I have had the privilege of working
3 with Professor Liebman for over six
4 years. Each day has been a learning
5 experience for me. She has been a
6 mentor, she's been a teacher, she has
7 been a counselor and she has been a
8 friend. She's a brilliant scholar who'll
9 tend to have you believe that you are a
10 learned individual but at the same time
11 giving you pointers when you don't know
12 that you're receiving pointers. I concur
13 with her when she has altered the finding
14 of our accomplished investigators because
15 I know that when she raises a point, the
16 least I can do is give it serious
17 consideration because she is very, very
18 good at identifying -- I would just say
19 for this statement -- flaws in
20 investigative cases.

21 I do want to say and give a shout
22 out to our investigators who I believe
23 are tremendously accomplished
24 investigators. I've spent nearly thirty
25 years in the police department work, most

1 of the time with investigators and you
2 guys bring a lot to the table and when I
3 think about going forward in the absence
4 of Professor Liebman, sure, we will go
5 forward, and we will take care of the
6 people's business but for me it's going
7 to be a little bit more difficult, a
8 little bit harder because I know that you
9 will not be around to give me that advice
10 and counsel at the moment when I need it
11 the most.

12 So I thank Professor Liebman for the
13 past six years, I thank her for being
14 that strong advocate of mediation of
15 which I am and I do hope that she will
16 keep our feet to the flame and more than
17 read those novels, but call from time to
18 time and said that how are things are
19 going and maybe you can do X a little bit
20 better. So thank you very much.

21 THE ACTING CHAIR: Other comments?
22 Commissioner Simonetti.

23 MR. SIMONETTI: You know, without
24 sounding repetitious of what the previous
25 panel members have said -- board members

1 have said, Carol, on a personal note, you
2 made me a true believer of mediation, and
3 I thank you for that and because of that
4 I'm trying to deal with some of the
5 unions and trying to convince them in
6 hopes that they see the benefit of their
7 members going to mediation rather than
8 going to full investigation. So on a
9 personal level I thank you very much for
10 that.

11 THE ACTING CHAIR: Thank you,
12 Commissioner Simonetti. Other comments?
13 Yes.

14 MR. DONLON: Well I would just,
15 again, I would like to echo the other
16 board members' comments and just say it's
17 been a pleasure being on the board with
18 Carol and I've always admired her
19 dedication to the CCRB and especially her
20 dedication to the role of mediation in
21 our work. And I thank you for that and
22 wish you the best.

23 THE ACTING CHAIR: Yes.

24 BISHOP TAYLOR: I want to say to
25 Professor Liebman --

1 THE ACTING CHAIR: Bishop.

2 BISHOP TAYLOR: -- thank you so much
3 for all the instruction and direction
4 that you've given me since I've joined
5 the board. I'm just saddened now that
6 you're leaving, because I would have
7 liked to have at least another six months
8 of your direction and tutoring, but thank
9 you so much for the time that I've been
10 able to share with you and work with you.
11 It's really been a pleasure and an honor
12 and a great learning experience. Thank
13 you.

14 THE ACTING CHAIR: Thank you for
15 those comments Bishop. Other comments?
16 Yes, Doctor.

17 DR. KHALID: I echo the same
18 sentiments with all the other board
19 members. Carol, you are very special;
20 you have done a tremendous job for the last
21 six years. I had the pleasure of working
22 with you and learning from you, and I
23 thank you what you have done for the City
24 of New York and for the CCRB.

25 THE ACTING CHAIR: Thank you. Other

1 comments?

2 MR. CHU: I'm not sure what else
3 remains unsaid, but let's take it from
4 the top.

5 MS. LIEBMAN: I didn't die.

6 (Laughter)

7 MR. CHU: I think suffice it to say
8 whoever is going to be replacing her
9 position has very big shoes to fill, and
10 I echo what the Bishop indicated; I wish
11 I had sat on more panels and had more
12 opportunity to learn from you, but in the
13 year or so that I've been on the board
14 and that we've worked together I think
15 I've learned a lot and your absence
16 certainly will be missed. Thank you very
17 much.

18 THE ACTING CHAIR: Other comments?

19 MR. MCCANN: I have a prepared
20 statement.

21 (Laughter)

22 MR. MCCANN: No, I echo everything;
23 thank you and I wish you the best and I
24 hope we stay in touch.

25 THE ACTING CHAIR: Thank you, Mr.

1 McCann. Well. Is there any other new
2 business? Hearing none, we will turn to
3 the public comment space. I believe
4 first item is O'Grady Plumbing and
5 Heating Inc. discretion. We'll pass on
6 that unless that needs to be heard from.
7 Mr. Dunn of the New York Civil Liberties
8 Union has indicated his desire to speak.
9 Mr. Dunn, please proceed.

10 MR. DUNN: Good morning, Mr. Kuntz.

11 THE ACTING CHAIR: Good morning, Mr.
12 Dunn.

13 MR. DUNN: All right. I'll save the
14 best for last, that being Carol. With
15 respect to the report, I've said this
16 many times before and I'll say it again,
17 I think that the board has gotten much,
18 much better about reporting. I only got
19 this this morning so I haven't really had
20 a chance to read it in detail, but I have
21 found that all the reports have gotten
22 better, have gotten easier for the public
23 to read; I think the annual report is a
24 particularly good example. If you look
25 at this report as compared to several

1 years ago this is a much better report in
2 terms of the public. Most of the stuff
3 in here is pretty alarming but I'm going
4 to set aside the substance and just go on
5 with the presentation.

6 I did have one question, like -- I
7 had one substantive question and I'll get
8 to it, a presentation question. There is
9 a reference in here to a policy
10 recommendations to some communication
11 from the board to the department about
12 photography investigations, which is not
13 something that I think I knew anything
14 about, it's on page 24. Some of you are
15 looking somewhat blankly also, in fact
16 you're all looking blankly -- not
17 everyone, maybe Dan knows. But what was
18 that?

19 THE ACTING CHAIR: I'm going to ask
20 you just to make your comments and then
21 at the end perhaps we may have a global
22 response to your particular points--

23 MR. DUNN: Okay. That's fine.

24 THE ACTING CHAIR: -- consistent
25 with our rules. All right. So that's

1 point one.

2 MR. DUNN: Should I keep a list?

3 THE ACTING CHAIR: Why don't you
4 keep a list.

5 MR. DUNN: I'll keep a list.

6 THE ACTING CHAIR: Right.

7 MR. DUNN: That's the first thing on
8 my list.

9 THE ACTING CHAIR: Okay.

10 MR. DUNN: One presentation thing I
11 was curious about was the cover, which
12 doesn't exactly say NYPD to me; it kind
13 of says Parks Department.

14 (Laughter)

15 MR. DUNN: Is this the Great Lawn?
16 I don't see any civilian policing around.
17 What is this? What does this got to do
18 with the CCRB?

19 THE ACTING CHAIR: I'm going to make
20 a note that's number two, and I'm not
21 going to say it's not easy being green.
22 Go ahead. I understand.

23 MR. DUNN: Joan, you mentioned
24 the -- in talking about the number of
25 complaints, that you projected an annual

1 number of 8200 to 8300 still?

2 MS. THOMPSON: Yes.

3 MR. DUNN: IF you just did two times
4 the 4,000 you'd have only 8,000. Can I
5 take it that the projection you gave
6 takes into account the fact that you have
7 certain months in the fall, this certain
8 half of the year --

9 MS. THOMPSON: Yes.

10 MR. DUNN: -- that tend to have
11 higher rates of complaints?

12 MS. THOMPSON: That's correct.

13 MR. DUNN: Okay, thank you. Tasers.
14 I'm very happy to hear that you guys are
15 going to start tracking Tasers.

16 MS. THOMPSON: Yes.

17 MR. DUNN: It seems like that's
18 important. Tasers obviously are getting
19 a lot of attention around the country;
20 it's not clear to me there's much
21 increased use of Tasers within the NYPD,
22 but the NYPD has been pretty restrained
23 on the use of Tasers, but I'm glad that
24 you'll be tracking that and I hope
25 that -- I assume there'll be some report

1 about that relatively soon.

2 In terms of the substance of the
3 report, and going to my question about
4 the annual complaint numbers, it seems to
5 me that since this is something that the
6 report highlights. There has now been a
7 new surge -- it looks like there's a new
8 surge of complaint activity. At the rate
9 at which you were going there's going to
10 an historic number of complaints this
11 year by a wide margin, the highest number
12 before was a little under 7700.

13 We, in the first half of this year,
14 had about as many complaints as there
15 were in all of 2001, and as you point out
16 in the report, there is a very strong
17 correlation between stop and frisk
18 activity and complaint activity here at
19 the CCRB and as you may realize the first
20 two quarters of this year the NYPD has
21 had a substantial increase in stops and
22 frisks, and that is running at an
23 historically high rate. So while I'm
24 glad to see that you're reporting these
25 figures I'm a little bit troubled with no

1 discussion every week -- public
2 discussion in the board meeting about
3 what the complaint rate means for police
4 misconduct and there have been occasional
5 comments in the past about the stop and
6 frisk activity but again there seems to
7 be no sustained interest on the part of
8 the board, at least in this year's public
9 discussion, about the stop and frisk
10 practices of the department, something
11 that we continually raise, and I am
12 personally troubled by what seems to be
13 the increasing lack of discussion of
14 substance at these board meetings. And
15 they have gotten particularly -- in the
16 last few board meetings there is
17 basically no substantive discussion at
18 all at a time when the numbers, according
19 to your own reporting, show some very
20 dramatic changes. And just I've said
21 before, I'll say it again, I worry about
22 what's actually happening on the board
23 and I don't see much in the way of public
24 activity; I'm used to hearing more about
25 what happens in terms of reviewing with

1 Commissioner Kelly. Frankly right now
2 Commissioner Kelly has you exactly where
3 he wants to have you, which is basically
4 on the sidelines, not making any trouble
5 for him, and I just think things have got
6 to change and when you look at the DUP
7 rate, when you look at the lack of
8 discipline from the officers, when you
9 look at complaint numbers, and with the
10 truncation rate, which is at an historic
11 high level, it paints a very troubling
12 picture of what's actually happening in
13 terms of your ability to deal civilian
14 with police misconduct. All right. So
15 that's my negative rap.

16 Carol, we're not really here to laud
17 board members, I'm not going to sell you
18 with any Yankee analogies, nor, Jules, I
19 got to point out, you may think that the
20 complaints that people file are fiction.

21 MR. MARTIN: I didn't say that.

22 MR. DUNN: Well, you said novels.
23 Not reading any novels, okay?

24 (Laughter)

25 MR. DUNN: I'm saving myself.

1 Carol, I do want to say we've had some
2 disagreements about mediation, I think
3 more on the margins; I have always felt
4 that you have been one of the people
5 holding the CCRB together. On the times
6 you have been here I've always felt like
7 you have been committed to the work, you
8 have brought an intelligence to the
9 issues; you work behind the scenes, I
10 think, for the most part, but from what I
11 see quite effectively, and while I think
12 that you are leaving at a time when
13 frankly I think the board is really in
14 deep trouble, and I'm really sorry that
15 you are leaving. The time that you have
16 been here I think you've been terrific,
17 and as a member of the public and for an
18 organization that pays a lot of attention
19 to the CCRB, I thank you for your service
20 and I wish you the best.

21 THE ACTING CHAIR: Thank you, Mr.
22 Dunn.

23 MR. DUNN: What happened to my list?

24 THE ACTING CHAIR: We'll take your
25 list under advisement.

1 MR. DUNN: You'll take my list under
2 advisement?

3 THE ACTING CHAIR: We will.
4 Pursuant to our rules, taking a list
5 under advisement. Alex Klingenstein?

6 MS. KLINGENSTEIN: I don't have
7 anything to say.

8 THE ACTING CHAIR: Well, thank you
9 for attending and I appreciate your being
10 here. Is there anyone else who is a
11 member of the public who wishes to
12 comment? Hearing none, we will now
13 adjourn into executive session, and I
14 want to thank you all for coming and
15 being attendant to the work of the
16 Civilian Complaint Review Board.
17 Godspeed, Professor. We are adjourned to
18 executive session.

19 (Meeting adjourned at 10:45 a.m.)
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C E R T I F I C A T I O N

I, Jason Gottlieb, Electronic Court Reporter and Notary Public, do hereby certify that I was present during the entirety of the foregoing meeting and that I caused to be recorded a true, complete and verbatim recording of the proceedings via digital means.

I further certify that I am not employed by nor related to any party to this action.

In witness whereof, I hereby sign this date:
July 15, 2009.

Jason Gottlieb

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

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I, Yeshayahu Heiliczer, hereby certify that the foregoing is a true and correct transcription, to the best of my ability, of the sound recorded proceedings submitted for transcription.

I further certify that I am not employed by nor related to any party to this action.

In witness whereof, I hereby sign this date:
July 15, 2009.

Yeshayahu Heiliczer

