

CCR
3
meet.
283.2

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23

NEW YORK ADVISORY COMMITTEE TO THE
U.S. COMMISSION ON CIVIL RIGHTS

Wednesday, October 29, 1997
Equal Employment Opportunity Commission
Conference Room
7 World Trade Center
18th Floor
New York, New York 10048

Michelle Troy Parrish
Reporter

LIBRARY
U.S. COMMISSION ON CIVIL RIGHTS

CCR
3
Meet.
283.2

1 New York State Advisory Committee to the
2 U.S. Commission on Civil Rights

3 Lita Taracido Chairperson - New York State
4 Advisory Committee to the United
5 States Commission on Civil Rights

6 Michael Hanley An attorney with the housing
7 specialist at the Greater Upstate
8 Law Project serving western New
9 York.

10 Ellis Arnstein Pediatrician and medical director of
11 Comprehensive Family Care Center
12 affiliated with Montefiore, Bronx,
13 New York

14 Fernando Serpa Staff person from the U.S.
15 Commission on Civil Rights
16 Attorney and a Civil Rights
17 analyst

18 Juan Padilla Administrator for the Rochester
19 school district's Bilingual
20 Education Program.

21 Joan Johnson Social worker and Town Clerk from
22 the town of Islip Long Island

23 Gloria Lopez Attorney and Director of Human
24 Services and Civil Rights Compliance
25 Officer of the Urban League of
 Rochester.

 Kimberly Hardy Special Counsel to the New York
 Empowerment Zone Corporation.

 Cecil Weich Attorney in private practice in New
 York and Washington.

 Ghazi Khankan President of the National Council of
 Islamic Affairs

1 **Panel 1 - Pages 4 through 51**
2 **Community Groups and Civil Rights Organizations**

3 Gabriel Torres, Womens Support Resource Center

4 David Love, Center on Constitutional Rights, Police
5 Abuse Project

6 Michael Meyers, Executive Director, New York Civil
7 Rights Coalition

8 **Panel 2 - Pages 52 through 116**
9 **Representatives from City Government**
10 **and the Mayoral Task Force**

11 Margaret Fung, Executive Director, Asian-American
12 Legal Defense and Education Fund - Task Force Member

13 Una S. Tomlinson Clark, Councilwoman, 40th District,
14 Brooklyn - Task Force Member

15 Normal Siegal, Executive Director, New York Civil
16 Liberties Union - Task Force Member

17 **Panel 3 - Pages 117 thorough 200**
18 **Representatives from Law Enforcement Agencies**

19 The Honorable Howard Safir, New York City Police
20 Commissioner

21 Sergeant Anthony Miranda, President, Latino Officers
22 Association

23 Juan Espinal, Police Officer, Washington, D.C. and
24 member of the Latino Officers Association

25 Mel Barkan, Chairman, Civilian Complaint Review Board
 Gene Lopez, Executive Director, Civilian Complaint
 Review Board

1 PANEL ONE: COMMUNITY GROUPS AND CIVIL RIGHTS
2 ORGANIZATIONS

3
4 MS. TARACIDO: My name is Lita Taracido. I
5 am a business person in my private life and in the
6 present capacity, Chairperson of the New York State
7 Advisory Committee to the United States Commission on
8 Civil Rights.

9 Joining me today at this Committee meeting
10 are Michael Hanley, an attorney with the housing
11 specialist at the Greater Upstate Law Project serving
12 Western New York.

13 We have Ellis Arnstein, a pediatrician and
14 Medical Director of Comprehensive Family Care Center
15 which is affiliated with Montefiore in the Bronx.

16 We have Fernando Serpa to my left. He is
17 the staff person from the U.S. Commission on Civil
18 Rights. He is an attorney and a Civil Rights analyst.

19 To my right we have Juan Padilla who is an
20 administrator for the Rochester School District's
21 Bilingual Education Program.

22 We also have with us to my right Joan
23 Johnson, social worker and Town Clerk from the town of
24 Islip, Long Island.

25 We have Gloria Lopez to her right, an

1 attorney and Director of Human Services and Civil
2 Rights Compliance Officer of the Urban League of
3 Rochester.

4 To her right we have Kimberly Hardy who is
5 Special Counsel to the New York Empowerment Zone
6 Corporation.

7 At the end of the table we have Cecil Weich,
8 an attorney in private practice in New York and
9 Washington.

10 The gentleman who just walked in is Ghazi
11 Khankan, to my left. He is President of the National
12 Council of Islamic Affairs.

13 The United States Commission on Civil Rights
14 was created under the Civil Rights Act of 1957 as an
15 independent bi-partisan fact-finding agency whose
16 mission is to protect and promote the civil rights
17 afforded all of us under the Constitution and the Acts
18 of Congress.

19 The New York State Advisory Committee is one
20 of 51 Committees created to advise the Commission on
21 matters relating to discrimination or denials of equal
22 protection of the laws based on race, color, religion,
23 national origin, age, disability or the administration
24 of justice.

25 The mandate of the SACs, as we call

1 ourselves, is to bring to the attention of the
2 Commission the civil rights issues of concern to the
3 various states and to assist the Commission in its
4 statutory obligations to serve as a national clearing
5 house for information on these matters. Our primary
6 role is to gather pertinent information in our State
7 and report back to the Commission.

8 Today's briefing is one in which we seek to
9 inquire into police/community relations in the New
10 York metropolitan area with an emphasis on allegations
11 of police misconduct or abuse.

12 The focus of today's briefing meeting will
13 be to collect data and information to determine if a
14 more in-depth inquiry into these issues is warranted.
15 Based on this briefing, a Statement of Concern will be
16 issued, if it is warranted.

17 The briefing will be divided into three
18 sessions as follows: Community groups and Civil
19 Rights Organizations, this afternoon's first session,
20 representatives from the City Government and the
21 Mayoral Task Force will be the next group and
22 representatives from law enforcement.

23 With respect to these three sessions we ask
24 for specific things of each person that was given the
25 letter indicating the kind of things that we want to

1 hear about.

2 We would also appreciate any of the
3 participants to provide any background material, data,
4 surveys, anything that would help us to better
5 understand the situation.

6 The meeting will run from 1:00 p.m. to 5:30
7 p.m. and we are very pleased obviously to have
8 knowledgeable people coming in to talk to us about
9 this matter.

10 Each speaker is going to be asked to give us
11 about seven- to ten-minute presentations and then the
12 members of the Committee may ask questions of the
13 speaker or answer questions, et cetera.

14 If you have a prepared statement, please
15 give it to Mr. Fernando Serpa, our staff person here,
16 and it will be considered as part of this inquiry.
17 Those of you who are accustomed to speaking without a
18 statement, please help us by keeping your
19 presentations and comments sharply focused. And also
20 help us abide by our legal obligations to refrain from
21 defaming or degrading any individual in your remarks -
22 whether present or not.

23 The briefing is being transcribed, as you
24 can see, we have a court reporter, to ensure that we
25 are actually getting these statements correctly

1 attributed to the person speaking and we ask that when
2 you start to speak and start to give your presentation
3 that you introduce yourselves so that we are sure that
4 commentary is attributed to the correct person.

5 Speakers here are voluntarily offering
6 comments for the public record. Therefore, although
7 the media has been invited, speakers retain the right
8 not to be photographed while addressing us today.
9 Should you wish to exercise that right, please inform
10 staff so that we may accommodate you.

11 Let me emphasize, that as the eyes and ears
12 of the Commission in New York State, our first duty is
13 to listen in an impartial manner. If we fail to
14 understand a statement, we may ask for clarification.
15 Therefore, when we pose questions, please do not feel
16 you are being subjected to "cross examination." We are
17 just simply trying to get the facts.

18 After this meeting has adjourned we may need
19 to ask for further clarification on information
20 provided to us, so we look forward to your cooperation
21 should this prove to be necessary. Also, our records
22 will remain open for 30 days to receive comments from
23 any person who wishes to contribute to our better
24 understanding the issues.

25 I would like to start, and I understand it

1 is the Constitutional right of the folks here, so
2 would you please come. Do want to speak separately?
3 Together?

4 MR. TORRES: Together.

5 MS. TARACIDO: Together. Okay.

6 MR. TORRES: My name is Gabriel Torres. I
7 am coordinator of the Women's Support Resource Center
8 at the Center for Constitutional Rights. I am also an
9 attorney, not licensed to practice.

10 I want to first thank the Commission for
11 inviting us here to speak on the issue of police
12 brutality and community relations.

13 Just for your information, the issue of
14 police brutality is one that I have personally been
15 dealing with for approximately 30 years, maybe longer
16 than that if I go back to the age of five years old.
17 When I got this letter I started -- it says here to
18 talk about some personal experiences, so it caused me
19 to do some reflection on it and something that came to
20 me immediately was a situation that I had with a
21 policeman in 1986. What happened was I was having a
22 dispute with the super in my building. I was moving
23 out and the super wanted me to move out out of one
24 area and I wanted to move out through the front, and
25 so the police was called. And I remember that the

1 thoughts that were coming to me since the super was
2 white, I was saying, I hope that I don't get a young
3 cop. I hope I get one that will be fair. And sure
4 enough, the patrolman showed up - I'll never forget
5 his name, obviously, his name was Officer Golden - and
6 the first feeling that I got from him was a sense of
7 professionalism and respect. I sensed right away that
8 even though the person I was having a dispute with,
9 even though that person was white, that he was going
10 to be fair.

11 And I point that out because -- not so much
12 the story itself as I think that you don't need to be
13 a rocket scientist or have a Ph.D. to know when
14 someone is showing you respect and being fair. I
15 think that is one of the problems that exists between
16 the police and the communities of color; black,
17 Latino, and I am talking about Colombians, Dominicans,
18 people that immigrate into this country as one of
19 respect and fairness.

20 When I look here it says "community groups
21 and Civil Rights organizations." I mean, I hold the
22 honorable distinction of growing up both. I was born
23 in Puerto Rico. I grew up here as a Puerto Rican and
24 as a black person. I have grown up in both cultures;
25 so I have been involved with both groups. I was once

1 a member of the Young Lords, and later on, the Black
2 Panther Party. I can tell you that I don't know of
3 any community groups that are actually dealing with
4 this issue in a long, protracted sort of way except
5 the National Congress for Puerto Rican Rights, the
6 Committee Against Anti-Asian Violence, which are two
7 groups that I work with closely, and also another
8 group which supports these are the Jews for Racial and
9 Economic Justice. Other than those groups, I don't
10 know.

11 The Mayor of the city recently appointed a
12 task force which I thought was a commendable effort
13 after the Louima case. It said that these were
14 representative of leaders of the community. I don't
15 know them. I know some of them. I know of them.
16 One person, Felipe Luciano, we were both in the Young
17 Lords together, but my understanding is that he has
18 not been involved in community efforts in a long, long
19 time.

20 I think this is also one of the problems
21 that when these issues arise, people are approached as
22 representatives of communities, but the community
23 itself is not asked, "Look, do these people represent
24 you?" I think that's a problem. And, as I said, I
25 don't know what community groups I can talk to you

1 about personally except the National Congress of
2 Puerto Rican Rights, who have spearheaded the effort
3 in bringing to light on both the local and national
4 scale the plight of victims and relatives of police
5 brutality, police abuse and murders, in fact.

6 Civil Rights organizations, here again, I
7 don't know any. I know that there is supposed to be a
8 Civil Rights Division, I think, within the Federal
9 Bureau, but my understanding is from some agents, both
10 present and unemployed, that the Civil Rights
11 Commission within the Federal Bureau is very reluctant
12 to investigate allegations of police abuse and
13 misconduct because they work together and that's
14 somewhat sort of understandable. They rely on each
15 other.

16 The Mayor again recently said that he wanted
17 retired FBI agents to be on this task force. And
18 there again, you know, I mean, they are law
19 enforcement people and understandably so, I mean, they
20 are all part of same team, so it's somewhat -- I
21 question and doubt whether or not there would be any
22 actual efforts to remedy the problems that exist
23 between the black and Latino community and communities
24 of color which is the ones that I work with
25 specifically.

1 Just to backtrack a little bit, I should add
2 this, my experience from the police have all been I
3 can say negative, so it tends to be somewhat bias.
4 When I was five years old, my mother's cousin was
5 beaten to death on 102nd Street and Columbus Avenue.
6 I never knew why it happened. My parents never
7 explained it to me. All I could remember was the fear
8 that they had and, of course, it was tragic to me,
9 being a child. My father later was beaten half to
10 death in 1967. My father never had a criminal record.
11 Unfortunately, he happened to be in an area where a
12 riot was taking place and the police, the Tactical
13 Patrol Force, which is what they were called at the
14 time, were trained to once they jump out of vans, they
15 swoop down on whoever is in the way, and this can be
16 verified by law enforcement personnel. That's what my
17 father was, he was beaten and he was purple from his
18 neck down to his ankle. His head was split open. He
19 basically wasn't the same after that.

20 This leads me to procedures. I don't know
21 what procedures they are. If we go directly to a
22 precinct there is usually indifference. We all tend
23 to be put into the same pile. It's either "some
24 ignorant spic" or "some ignorant nigger" or "some
25 chinc" or whatever, and it's very rare that we are

1 afforded a fair, respectful ear to bring about our
2 grievances.

3 Again, I have relatives who are on the
4 police force. Of course, they are younger than I am
5 and when they were going to join the police force, I
6 always advised them not to do it. The ones that have
7 joined the police force, I don't know them anymore;
8 they use the word "nigger" and "spic" and they are not
9 white.

10 There is an attitude that permeates the
11 Police Department that it's "us against them." This
12 is the attitude that they have. In order for you to
13 be part of that group, you have to adapt this attitude
14 or you cannot really survive within that force and
15 that's real scary.

16 We need a police force. If someone is
17 climbing in through my window, I would like to be able
18 to call them. I want to be served and protected.
19 But, see, that's in words. It's not reality.

20 A neighbor of mine, someone tried to get in
21 and I told them to call the police. The police came
22 about an hour later and his comments was, "Oh, nothing
23 was taken?" So, it was, like, we have more important
24 things to do and this is just a little thing. But we
25 are the public, we are the community. I said, "Are

1 you going to write a report? Are you going to note it
2 down?" And this was a person who just migrated from
3 Guyana. What is their attitude? They told me, "I
4 don't like the police, I don't like the police."
5 Well, of course, because he did a heck of a public
6 relations job right there in terms of how he dealt
7 with that person.

8 We can call the Bureau of Internal Affairs.
9 We all know what happened in the Louima situation, it
10 took them 38 hours to even report it, or at least 38
11 hours. There again, it's indifference.

12 Our people a lot of times -- and, again,
13 when I say "our people," I want to make it clear I'm
14 talking about blacks, Latinos, people of color, to not
15 necessarily articulate certain things. There are
16 language differences. So what happens is you call and
17 you are trying to explain, it might be a tense
18 situation, you can't get it across, but there is not
19 this sense of understanding; "Explain to me. Calm
20 down. Take it easy. Let me know what happened. I'm
21 here to help you." Which is all you want to hear.
22 But you are being judged on the other side of the
23 phone, "This is one of those idiots, listen." I am
24 sure that's what happen in the Louima situation, I'll
25 bet, with the person involved and is no longer

1 working. I am sure he is a real nice person. I don't
2 want to defame him in any kind of way.

3 The Civilian Complaint Review Board, if you
4 go there, everybody is wearing a badge. You get the
5 sense that you're in the Police Department anyway.
6 The Mayor and the Commissioner were touting a 20
7 percent drop in complaints. Well, of course. There
8 should be a 100 percent drop because nobody goes
9 there.

10 I have been in New York since 1952. I went
11 to the Civilian Complaint Review Board once, that was
12 last September and we still haven't heard from them.
13 We took an 80 year old woman who has a heart
14 condition, cancer and arthritis. Her home was invaded
15 by 15 policemen. They were in the wrong apartment.
16 They left. So we took her to the Complaint Review
17 Board, David and I did, and we were there about five
18 hours. We wrote the report. We were questioned on
19 two different individuals at two different times. And
20 that's it. We haven't heard from them. So why go
21 there?

22 Now, this is us. We could speak English
23 fairly well, and I'm saying "Well, it's a waste of
24 time." Imagine a person who doesn't have too much
25 education, which I am sure we all know that the fact

1 that you might have a third grade education does not
2 mean you are stupid. But this is the way that we are
3 treated.

4 MS. TARACIDO: Could I interrupt for just a
5 second?

6 MR. TORRES: Sure.

7 MS. TARACIDO: I know the Center has some
8 kind of project that deals with these issues and maybe
9 you should focus on the kind of thing that you are
10 confronting when you are dealing with these issues
11 through the Center.

12 The information you have given I think is
13 very good and very interesting in terms us of getting
14 a better understanding, but in order to get the
15 realities as you have experienced through the Center.

16 MR. TORRES: What happened is I mentioned I
17 am the coordinator of the Women's Support Resource
18 Center. What I do is I coordinate meetings once every
19 month with different grass roots organizations and we
20 meet to discuss pressing issues within our communities
21 and what constantly kept coming up was the issue of
22 police brutality so we decided that were going to hold
23 a national emergency conference on police brutality.
24 We organized it. We held it at Hunter College from
25 April 25 to April 27.

1 To that effect, I had a hotline number
2 installed my office. I don't know if they should have
3 been installed in my office because I started getting
4 calls from all over the country. I got one call from
5 the Bayou and I got from Alaska, those were about the
6 most distance ones. And what struck me is that even
7 though -- to me, I have always felt that it is a
8 national problem, but it was actually hearing it and
9 feeling it in reality because I had one woman call me
10 from Maryland. Her son was shot 14 times in the back
11 while handcuffed and sitting in the front of an idled
12 police car.

13 I had another person whose son was shot at
14 69 times. He was actually hit 39 times, and I have
15 the medical examiner's report on that one much.

16 So people are calling me and they are
17 telling me about verbal abuse. I got calls from some
18 women who were married to policemen, domestic
19 violence, and they are having a feeling that they have
20 no place to go. And this is ranging from all ages I
21 would say from 12 to 80, Ms. West being the 80 year
22 old person.

23 For me, it's sort of frustrating because I
24 can only do but so much. People want legal
25 assistance. They want to know where they can go.

1 They want to report the situation or they want to
2 bring it into light. Those people who need legal
3 assistance, I can pretty much try to refer them to
4 some organization or attorneys in their particular
5 area.

6 What I have been doing, too, is documenting
7 because we had a press conference and the press kept
8 asking us, "Do you have statistics?" And, of course,
9 if we knew that we were going to be being murdered on
10 a regular basis, maybe we would have kept statistics.
11 I don't know. So we started documenting these cases
12 so that we can present them. Unfortunately I didn't
13 bring any here, but I do have them in my office. I am
14 averaging 30 calls a day more or less on my hotline
15 number. And, of course, some are frivolous. I had
16 one person call and said her monkey was taken away and
17 wanted me to help her get it back. But for the most
18 part, they involve either death in custody, verbal
19 abuse, especially as it relates to women. The
20 majority of calls I get from women has to do with some
21 sort of sexual, verbal abuse or both.

22 We have formed a clearinghouse to help
23 gather this information on a national level. This has
24 helped us to link up with other organizations. There
25 are a lot of organizations working around the country

1 around this issue, instead of working in isolation.
2 And as a result of the National Emergency Conference
3 we are starting to sort of come together.

4 We recently had a march and rally in
5 Washington on September 12. We were granted hearings
6 in front of the Congressional Black Caucus and
7 Congressman John Conyers has agreed to hold hearings
8 here in New York, in fact, on November 18. But prior
9 to our coming here, we were holding a meeting to
10 strategize in terms of how we were going to organize
11 it and who was going to speak there. That's basically
12 it.

13 MS. TARACIDO: The 30 calls a day, would you
14 say they are predominantly from a particular area?
15 Are they from New York?

16 MR. TORRES: No, they are from around the
17 country. I always show people the area codes. I am
18 keeping a list and I send them all a letter. But no,
19 I get them from Florida, Texas, Washington. I get
20 them from Maryland. I got one person who wrote me
21 from Alaska. I get people whose case happened maybe
22 five, six years ago and they felt that they never got
23 any justice, but now that they are hearing about our
24 efforts, they want to see if something could be done.
25 And unfortunately, in a lot of those cases nothing can

1 be done.

2 I'll give you one example. Mrs. Miyee
3 (phonetic) whose son was killed by 10 whites. He was
4 beaten to death in Queens. They were exonerated. One
5 of the guys who killed him is now a police officer in
6 New York City. That's something that we have been
7 trying to work with and rectify because I don't know
8 if most of you know that Commissioner Safir said that
9 he would not accept lying cops or cops who don't tell
10 the truth and that doesn't seem to be quite accurate.

11 As in the case with Louima, it turns out
12 that 10 of the policemen who testified in the case of
13 Frankie Arsuega (phonetic) who was 13 when he was shot
14 in the back of the head and killed while sitting in
15 the back of a car, 10 of the policemen who testified
16 all come from the 70th Precinct. And my understanding
17 is that the Justice Department is looking into that
18 particular case.

19 MS. TARACIDO: Could you tell us a little
20 bit about the Conyers hearings that you said are going
21 to be scheduled? What would be the focus of those
22 hearings?

23 MR. TORRES: We have been working closely
24 with Melanie Sloan (phonetic) who is assisting and the
25 way it's being structured is that they want to hear

1 from victims and relatives of victims. They have want
2 testimony and they also want to hear quotes from
3 experts because they want to look at ways to try and
4 help to resolve and deal with the issue. That's
5 primarily the focus.

6 MS. TARACIDO: Are they focusing on New
7 York?

8 MR. TORRES: When we were in Washington we
9 were focused on a national scale, but what they want
10 to use -- it's not New York necessarily the focus, but
11 sort of a spin-off because supposedly the situation
12 here is somewhat grave.

13 I want to add that what we are asking for is
14 intervention from the Justice Department. Again, I
15 bring up Louima because it's the most recent case.
16 Zachary Carter came out and said, "We will
17 investigate." And we don't know what's going on.
18 The Louima situation seems to somewhat be fading into
19 black. We want them to monitor this situation on a
20 national level, go from region to region. That's
21 something that we are asking for.

22 MS. TARACIDO: Mr. Love, you are also with
23 the center. Would you like to add anything?

24 MR. LOVE: Yes, I would. First of all I
25 would like to say that it's a pleasure to be here. My

1 name is David Love. I am with the Center for
2 Constitutional Rights and I work with Gabriel Torres.
3 In fact, Gabe and I organized the National Emergency
4 Conference on Police Brutality and Misconduct earlier
5 this year. As a result of that Conference we
6 developed a report, a copy of which I have here for
7 your records, the proceedings of the, Conference, and
8 we have outlined various steps that we feel are
9 necessary to bring about reform.

10 I also am co-producer of a recently released
11 documentary entitled 'Disorderly Conduct: Are The
12 Police Killing Us?' where we focus on police brutality
13 in New York in particular and interview various
14 victims and families of victims of police brutality,
15 former Mayor David Dinkins as well as other community
16 leaders.

17 I would like to echo some of the things that
18 my colleague said, but also sort of introduce some of
19 my own observations on the matter. I would like to
20 begin by saying that the issue of police brutality is
21 nothing new, it's been going on for a long time,
22 particularly in poor communities, communities of
23 color. Thirty-five years ago Malcolm X was fighting
24 the same battles that we are fighting in this city.
25 He referred to the police as "two-legged police dogs."

1 This is nothing new.

2 I think that what we are seeing now is an
3 epidemic in police abuse and police brutality. We
4 have found from the '70's into the '80's there was a
5 decline, but now we are seeing that there is, in fact,
6 an increase to the extent that over the past four
7 years roughly 76 people have been killed by the police
8 under questionable circumstances, and those are just
9 the cases that we know of. And I think that there are
10 a number of reasons why we see this epidemic going on.
11 My observations are based on research that I have done
12 as well as just from a day-to-day interaction with
13 people.

14 We have talked with hundreds upon hundreds
15 of people who are facing this issue and I think that
16 part of the problem is the issue of race and racism in
17 this society. The hatred of people of color and the
18 belief that the lives of certain people, particularly
19 black and brown people, their lives are basically seen
20 as expendable and cheap. At the same time there is a
21 criminalization of people of color, particularly the
22 youth. We see this in the media and the general
23 society. Essentially a whole segment of the
24 population is being branded as a criminal element.
25 Once you have branded a sector of society as a

1 criminal element, it's easy to justify warehousing
2 them in prisons or it's easy to justify ultimately
3 brutalizing them.

4 Another issue that I would like to discuss
5 is the police culture. Particularly in a city such as
6 New York, the police culture is very entrenched. For
7 one, it's segregated. New York by all standards is
8 the most segregated police force in the country. You
9 have a city that is around 60 percent black, Latino
10 and Asian, but at the same time, the police force is
11 roughly 70 to 75 percent white.

12 MS. TARACIDO: When you say "segregated,"
13 are you saying segregated in the context of the police
14 staff itself? In other words, you have more minority
15 officers in particular precincts versus whites? What
16 do you mean by "segregated?"

17 MR. LOVE: What I mean is that New York does
18 not reflect the ethnic and racial makeup of its city.
19 The police force does not reflect --

20 MS. TARACIDO: Is not representative of the
21 population?

22 MR. LOVE: Exactly. In fact, Amnesty
23 International concluded that based on a survey of all
24 of the major cities in the country, New York to the
25 greatest extent does not reflect the ethnic diversity

1 of its city in its police force, so that is basically
2 what I was referring to.

3 MS. WEICH: How would you go about changing
4 that? I hear that all the time.

5 MR. LOVE: I don't think that there is any
6 panacea. I think that part of it would be hiring
7 people that actually come from the communities that
8 they serve.

9 MS. WEICH: Your people are free to take the
10 exam.

11 MR. LOVE: Very true. Very true. But I
12 feel that a lot of people are steered away from the
13 police force as a career because of all the brutality
14 that they see.

15 MS. WEICH: So then it's not the fault of
16 the system, it's the fault of the people who don't
17 want to take the test to become police officers.

18 MR. LOVE: I feel there are clear examples
19 of officers of color in the police force who try to
20 make a difference and try to stand up for what they
21 believe in and they are consistently attacked and
22 slammed by the system. I think that those examples
23 are seen by the general public as a warning sign that
24 you might not want to choose this field of endeavor.
25 There are black and Latino officers that we know of

1 who decide not to go along with the status quo and
2 decide not to participate in the corruption that they
3 see and they get death threats from other cops. So to
4 me the message is, perhaps if you want to make a
5 difference in your community perhaps this is not the
6 career to choose.

7 MS. WEICH: But my point is -- and maybe I'm
8 not making it clear. Maybe I'm not asking the
9 question correctly. Are you saying that it is the
10 fault of the Police Department, the fault of the
11 Administration of the City of New York or the examples
12 that are set within the Police Department?

13 MR. LOVE: I don't think there is any
14 encouragement for people of color to look at the
15 Police Department as --

16 MS. WEICH: Who would you want to encourage
17 people of color to take the exam to be police people?

18 MR. LOVE: I think you have to change the
19 culture of the Police Department so that people can
20 see changes on a day-to-day basis in the streets as
21 far as the behavior of the police. I think that once
22 that changes, people will see the police force as a
23 reputable type of organization that they would like to
24 join.

25 As it is now, it's a mostly white force.

1 Officers of color are discriminated against. There
2 are lawsuits now charging racial discrimination.
3 There is no motivation as far as I see it for people
4 of color in large numbers to join the force.

5 MS. TARACIDO: Can I interrupt? You
6 mentioned something earlier that some family members
7 who have joined that force and now become --

8 MR. TORRES: Yes.

9 MS. TARACIDO: We are talking police
10 culture?

11 MR. TORRES: Yes. While the racial
12 composition is as it is, I think that it's more so
13 with the culture that exists within the Police
14 Department and I think that one of the ways I think
15 could possibly work, although I think it's one of the
16 more difficult ones, is the residency requirement. I
17 think that if our police officers were required to
18 either patrol where they live or live near where they
19 patrol, it would make a big difference.

20 I read in the paper sometimes where
21 unfortunately happens to a patrolman and he or she
22 lives in Pine Bush and they are patrolling
23 Brownsville, Brooklyn and it says, "He wanted so much
24 to make a difference." I don't see how someone in
25 Pine Bush wants to make a difference in Brownsville,

1 just as much as I don't see what difference I would
2 want to make in Pine Bush. So I think that the
3 resident requirement is very important.

4 Also, I think that the leadership helps set
5 the tone. Before the present mayor became mayor he
6 participated in a demonstration where the person who
7 was mayor at the time was called a nigger and the
8 person who is mayor now sort of applauded it and
9 became a part of that. So that when he was elected,
10 never mind, the patrolman at the time I remember they
11 were saying there was a new sheriff in town.

12 For example, we have a 48-hour rule in New
13 York. A policeman shoots a member of the community, a
14 policeman or policewoman gets 48 hours to recover, to
15 re-group. They don't have to speak with anyone. And
16 yet the person who is victimized is forced to testify
17 immediately. That sends, I think, a wrong message to
18 the community. I think it sends a wrong message to
19 the police officer. I don't think that police
20 officers should be allowed to waive a jury trial. I
21 think that if you are serving the public and you are
22 charged with an offense against the public, you should
23 be tried by the public. I think that these attitudes
24 help to perpetuate this culture and this attitude.

25 I have run into some very bad black and

1 Latino cops and I have run into some good white cops.
2 I know the racial composition is as it is and that has
3 its effect. I think it's more so the culture that
4 exists within the Police Department. I think the
5 mayor's recent efforts with this task force is not
6 going to help. I think basically what they are going
7 to have is that every member of police force is going
8 to have one day of therapy. They are going to get a
9 chance to come in and talk and that's not going to
10 help. I think that they need to be trained that you
11 are serving and protecting the community and that you
12 shouldn't differentiate on color or class and that you
13 treat people fair and with respect.

14 I'll just say this very quickly. When the
15 Mayor held a town hall meeting in Brownsville, he held
16 it where he was welcome. That somewhat staged. Even
17 they kept saying to him was, "Look, you are bringing
18 people here to make sweeps in our communities, but
19 please advise the cops not to take all the kids
20 because all those standing on the corners are not
21 committing crimes." That's what they said. They told
22 them that. They said, advise them not to pick
23 everyone up on the corner because they have to
24 understand that the kids are standing on the corner
25 because they don't have any other place else to go.

1 So I think it's more like that attitude in their
2 culture that we need to deal with.

3 MS. TARACIDO: We are actually running kind
4 of late at this point. I need to know if there is
5 anything other that you would like to say, Mr. Love,
6 in addition to what you have said so far.

7 MR. LOVE: Just a couple of things. Just to
8 continue with what my colleague was saying about
9 training, I think that proper train is important, but
10 by itself it's inadequate because actually what I
11 think we need to do is weed out bad cops but also
12 prevent violent people or racist people or brutal
13 people from entering the force at all. I think that's
14 something to take into account.

15 Also, with regard to the police culture, I
16 think it's telling that in the case of Abner Louima
17 you had a situation where police officers were so
18 comfortable. They felt so comfortable that they were
19 able to commit this act in a police precinct. I think
20 that tells you that perhaps they did this before,
21 perhaps their superiors knew about it or perhaps they
22 have done something similar to this in the first place
23 and knew that they could get away with it.

24 MS. TARACIDO: I thank you both. You did
25 mention you had documentation?

1 MR. TORRES: Yes.

2 MS. TARACIDO: Can you share with us some
3 material that you might have?

4 MR. TORRES: Yes.

5 MS. TARACIDO: In addition to that report,
6 which we would like to have whatever you have for us.

7 MR. TORRES: We also have a copy of the
8 video for you as well. I don't know if you would be
9 able to copy it and distribute it. We will leave you
10 the video. We have the copy of the proceedings.

11 MS. TARACIDO: I am sorry. We sort of got
12 so caught up in this discussion that we have gone
13 beyond the period that we said we would give people,
14 but I want to give the committee a chance to ask
15 questions.

16 MR. SERPA: I have a question for
17 Mr. Torres.

18 You said you did have experience with this
19 CCRB?

20 MR. TORRES: Yes, last September.

21 MR. SERPA: What was the procedure? What
22 did they tell you was going to be the next step? You
23 said you haven't heard from them.

24 MR. TORRES: That we would get a letter from
25 them. And basically I know from other people what the

1 letter does is they tell you that your charge has been
2 substantiated or not substantiated. Usually that's
3 what happens.

4 MR. SERPA: Did they tell you how long that
5 would take?

6 MR. TORRES: They told us it would be about
7 four or five months.

8 MR. SERPA: And that was in September?

9 MR. TORRES: That was last September, not
10 September '97. I know that specifically because it's
11 a case that we are handling.

12 MS. TARACIDO: Four to five months, and
13 still, it's a year and a half?

14 MR. TORRES: And we haven't heard anything
15 from them, no.

16 MS. TARACIDO: Thank you very much.

17 MR. TORRES: You're welcome. Thank you all.

18 MS. TARACIDO: The list for the panel
19 includes Jane Bai, Committee Against Anti-Asian
20 Violence. Is anybody here from that group?

21 Richard Green, Chief Executive Director,
22 Crown Heights Youth Collective.

23 Michael Meyers, Executive Director, New York
24 Civil Rights Coalition.

25 MR. MEYERS: Thank you for the invitation to

1 address you on this very important subject. It is not
2 the first time, however, that I have advised with the
3 U.S. Commission on Civil Rights about police/community
4 concerns. I last did so when I was assistant director
5 of the National Office of the NAACP, at which time I
6 participated in the Commission's National Consultation
7 on police/community Relations. You will find my
8 testimony in the Commission's worthy publication which
9 summarized those proceedings.

10 I say this to you by way of introduction
11 because I believe that this is one subject that has
12 been studied and conferenced to death and talked about
13 ad nauseam, so much so that it is now wholly
14 defensible to reject optimism. The experts have been
15 ignored and the greatest minds have been stumped.
16 There has been no lack of analysis. Indeed, as one
17 community spokesman recently reminded the mayor's new
18 Task Force on police/community relations, we have, as
19 they say, a paralysis of analysis.

20 The old reports are too voluminous to
21 summarize, much less read, so each generation writes
22 their own. I am a member of the mayor's Task Force on
23 police/community relations.

24 The first thing I asked for was to give us
25 copies of all the reports that were commissioned and

1 done before. Is there anything new to say? Anything
2 new to report? We will, nonetheless, write our own
3 report. But we should not delude ourselves into
4 thinking that we will have anything more profound or
5 truthful or revelatory to report than what has been
6 said by those on previous task forces who also had
7 urgent agendas and who were responding to a crisis
8 situation. Forming another task force is government's
9 way of addressing crisis, of recycling paper, of
10 defusing anger and getting us to address concerns
11 rather than redressing grievances.

12 So redundant is the ploy of doing another
13 study of structuring more dialogues between cops and
14 civilians, it might be observed that each new task
15 force might as well be called the "tisk, tisk" force.
16 That is, we collectively survey the perceptions, talk
17 about isolated incidents, bring up the usual bromines
18 (phonetic) and canards about a few bad apples in the
19 barrel and we vent and then we exhale with a sigh,
20 tisk, tisk.

21 No one really cares about the empirical
22 evidence. No one is really concerned about the
23 decision-making that produces consensus statements or
24 sharp descents about how police are supposedly
25 misunderstood or how the responsible people in the

1 community have been silent accessories to escalating
2 police/community conflicts.

3 The truth is that we do understand the cops
4 and their plight and their perspective. We know this,
5 oh, so very well because they tell us and they show
6 us. And the other truth is that responsible leaders
7 have not been silent. We have protested and brought
8 the complaints to government and we have written the
9 handbooks and counseled youth, civilians and cops
10 alike. We certainly have told people about their
11 rights and how to stay alive, how to get to the
12 courtroom or to the Civilian Complaint Review Board.

13 The truth is that the responsible voices
14 have been drowned out by the rising alarms and
15 piercing sirens about youth crime as well as by the
16 loud, vulgar tripe of the posturing, flamboyant,
17 ungrammatically so-called race and community leaders
18 who find it hard to differentiate between a dope
19 dealer or violent thug and youths whose only crime is
20 standing on the corner, "chilling."

21 When cops answer a call that there is a
22 youth in blue jeans with a gun on the corner, the cop
23 wants to go home that night. He orders all of them
24 not to move, to put their hands over their heads and
25 he shouts to them, "I want to see those fingers

1 wiggling." He wants to go home.

2 We are living in a time where we are afraid
3 for our children and afraid of them. The truth is
4 that youth are disproportionately involved with crime
5 as perpetrators. That's what is behind the public
6 support for Mayor Giuliani's "crackdown" on so-called
7 "Quality of Life" offenses. The crackdown began with
8 a declaration of war against the "squeegee packs."
9 And this is how we describe them in our media, in our
10 cultures, in our language. I declare at the time that
11 if there is a declaration of war against the
12 "squeegee" people, then the Police Department, 38,000
13 strong, will win. And so they did. Then there was a
14 crackdown against the aggressive beggars on the
15 subways, passing new legislation to define what
16 "aggressive" meant. And in front of our ATM machines
17 -- I do say "our" ATM machines and not "theirs." It's
18 the language. It's the culture. It's the vocabulary
19 of "us" against "them."

20 The 'Spirit' newspaper on October 23rd
21 recently ran a front page with the question:
22 "'Quality Control: Has The City In It's Zeal For
23 Cleaner Streets Made It Criminal To Be Homeless? The
24 NYPD is taking back the streets, parks, subways and
25 public spaces from the vagrants and from the youth."

1 I quote from the 'Spirit' article, "one of
2 the criticisms of the "Quality of Life" enforcement
3 policy is that certain laws such as being in the park
4 after the 1:00 a.m. curfew are enforced against only
5 the homeless or the unpopular."

6 According to Douglas Lasden, head of the
7 Urban Justice Center, that type of discretionary
8 enforcement "allows the police to remove people based
9 on color or economic class; people who do not conform
10 to their notion of normal."

11 Law abiding citizens, in my judgment, feel
12 afraid of the police. Gays complain to us of the
13 unequal impact of the "Quality of Life" law
14 enforcement. "Bars, theatres and nightclubs have been
15 closed on technicalities and in the name of
16 neighborhood improvement" reads the releases from some
17 gay and lesbian groups. They continue to complain of
18 homophobia in their contacts with police just as
19 blacks continue to complain about racial slurs and
20 other offensive language. Minority youths, blacks and
21 Hispanics in particular say they have been invited out
22 of certain neighborhoods and ordered by police to "go
23 home."

24 Information is hard to get from city
25 officials so as to document patterns or practice. 'But

1 police have admitted to me that quotas for summonses
2 and the Quality of Life crackdown have in fact changed
3 the nature of community policing. You may know about
4 the NYPD's now-aborted effort to enforce the "one seat
5 in the subway" rule, such that a shopper could not
6 place a package on an empty seat on a subway car with
7 plenty of empty seats during non-rush hours. That's a
8 small example of Quality of Life enforcement gone mad.

9 But we have also heard the Mayor say on a
10 radio show recently that he believed that "CPR" NYPD's
11 Courtesy, Professionalism and Respect initiative
12 should be a two-way thing, hinting, if not saying -- I
13 say "hinting" because I don't have the tape. I heard
14 him -- hinting that citizens who curse at cops ought
15 to be summonsed.

16 Can you imagine if we started summonsing
17 people in the 1960's when during the height of the
18 Civil Rights Movement when people said awful things,
19 really awful, offensive things to cops? We would run
20 out of summonses.

21 Civilians concerns about abusive cops and
22 excessive force are not likely to be remedied by the
23 CCRB, however. It is a mayoral agency controlled by
24 the Mayor. It is also a mayoral agency which is in
25 the judgment of the police and in the judgment of

1 every civil rights and community organization that I
2 know and religious organizations, in their judgment,
3 an unmitigated failure. So it's not going to be
4 remedied by the CCRB, an agency that this mayor wishes
5 did not exist. He insists that cops are the most
6 effective monitors of cops. But where is the evidence
7 for that assertion?

8 Neither he nor Police Commissioner Safir can
9 explain how it is that the phone call to Internal
10 Affairs, for example, from the hospital nurse who
11 suspected foul play by cops against Abner Louima got
12 bungled. We are waiting for an explanation. Neither
13 the Mayor nor this police commissioner or any police
14 commissioner before him has successfully effectively
15 broken the "blue wall of silence," a wall that began
16 to crack only so, so with the allegations that Abner
17 Louima was tortured by cops in the 70th Precinct
18 bathroom.

19 Abner Louima lived to tell his truth. He
20 was not shot. He was not choked to death. He was, it
21 is alleged, sodomized with a plunger by cops and that
22 is why, in part, CPR is already perceived as nothing
23 more than another public relations gimmick and why
24 eventually, I suppose, the NYPD will have to change
25 that acronym. NYPD will do so to help throw off the

1 imagery that CPR stands not for life or courtesy or
2 professionalism or respect, but for cops, plungers and
3 rectums.

4 So I wish you luck with your inquiry and if
5 you do have questions, I am prepared to answer them.

6 MS. TARACIDO: I have a question, Mike. My
7 question has to do with, after all those task forces,
8 after all of the reports, after all of that, that we
9 all know what the real facts are. We really know
10 there is a problem which has not been addressed. What
11 can be done?

12 What do you feel that would maybe make a
13 difference?

14 MR. MEYERS: First of all, the facts always
15 change from "situation" to "incident." One role of a
16 continuing role of a new task force is to find out
17 what the facts are for that current generation. We
18 have to re-establish the facts for areas for each
19 current generation.

20 So in that regard, as in the previous
21 testimony it was said, it is important for people to
22 know what the facts are about the operation of 48-hour
23 rule. They need to know the facts about whether it is
24 a requirement, whether or not it's going to be, what
25 residency requirements we have now versus what could

1 happen. They have to know the facts about the
2 diversity of the Police Department in terms of racial
3 representation or the lack thereof. We've got to know
4 the facts about how many people in the command are
5 blacks and Hispanics and Asians and whites, lesbians
6 and gays and others.

7 We need to know the facts because every
8 generation requires facts, analysis, perception and
9 hopefully a search for the truth. So I think it's
10 very important that we have those facts.

11 One of the reasons why I decided to join the
12 Task Force is it's very difficult finding out facts.
13 The newspapers in this town have complained. The
14 organizations have complained. They can't get
15 information from government here. It takes time to
16 get information from government after they deny your
17 request.

18 MS. TARACIDO: But there are allegations
19 that were set forth here today that are repeats of
20 what I read in the Mollen Report which was issued in
21 July of 1994.

22 MR. MEYERS: Right.

23 MS. TARACIDO: The "them against us," the
24 "blue wall of silence," the "police culture," so there
25 are things that basically understood and known,

1 apparently?

2 MR. MEYERS: Right. That's why I am saying,
3 one of my former testimony is that all these things
4 are not new. All these things are known. One of the
5 things that I insist is that we know what we know.

6 There is short-term memory about what we
7 have known, what we have found out.

8 MS. WEICH: What do you do about what you
9 know?

10 MR. MEYERS: One of the things you do about
11 what you know is you look at what happened to all the
12 recommendations before you. Are they in a file
13 someplace, are they on a shelf or have they been
14 implemented?

15 I think that NYPD, for example,
16 Commissioner, we certainly have gone further now in
17 terms of progress than we have been before in the
18 1950's and '60's. I don't want to give you the
19 impression that there has been no progress. We have
20 in place policies now on the use deadly force. We
21 have training programs at the NYPD. We have
22 recruitment that is wide and extensive.

23 But there are things that are still falling
24 through the cracks. For example, psychological
25 testing. We know, for example, in terms of

1 psychological testing there is a disproportionate
2 impact on minorities in terms of being excluded from
3 the police force. At the same time we also know that
4 those who pass the psychological tests, nevertheless,
5 have psychological problems. So something must have
6 be wrong with the test or something in terms of
7 background checking. So that much we know and we also
8 have to do something about that. We also know that
9 there is no ongoing psychological services to cops who
10 are now on the payroll and that there is a stigma
11 attached to a cop who says, "Look, I need help. Look
12 I need to sit down with a psychological counsellor."
13 There is a stigma attached to that.

14 We also know that with CPR there is now the
15 system in place, at least the instruction from the
16 Mayor, that we should hold the commanders accountable.
17 They may not be responsible for the circumstances, the
18 conditions in the communities and the perceptions
19 between the community and the police, but they are
20 going to be held strictly accountable for patterns and
21 practices of misconduct. So that much we can say,
22 that is a significant step. The Mayor said that three
23 and a half years ago when he first walked into the
24 office. He finally proceeded with his plan for
25 accountability structure I would say about six months

1 ago. That for me is a positive step, that you begin
2 to document patterns and practices, you hold your
3 commanders responsible for patterns of misconduct or
4 excessive force or abuse towards citizens when you see
5 patterns established. It's just like they hold their
6 commanders responsible for patterns that have been
7 established with respect to the up-turns in crimes.
8 They tell the commanders, we are going to hold you
9 accountable; if there is an up-turn in crime in your
10 precinct, your head is going to roll, you are going to
11 be disciplined, you are going to be transferred or you
12 are going to be removed. And they get the message.
13 Crime goes down.

14 The same sort of thing has to happen with
15 respect to the perception and the chronic problem of
16 police/community relations. The commanders have to be
17 held accountable. The supervisors, the sergeants in
18 the field have got to be able to see things and
19 supervise the cops under their command and stop cops
20 who they see violate the laws.

21 I think I sent to your staff a copy of a
22 recent column I did. I am also a columnist with the
23 New York Post. But I myself witnessed a police
24 incident on 33rd Street and Park Avenue in Manhattan
25 in front of Norman Thomas High School. And as I

1 described it in my column, it had four scrawny kids
2 who were standing on this huge street corner,
3 unobtrusively, not bothering anybody, not making
4 noise, not being loud and offensive, not being
5 disorderly, as they used to say, and the command came
6 from three burly cops to move on, to go home, you
7 cannot stand on the street corner. And I asked the
8 cop, I went up to the cop, "What did they do wrong?"
9 And the cop said, "Well, we have a right to in our
10 judgment to move people on if they are obstructing
11 (what they called) the flow of pedestrian traffic."
12 Well, they were not obstructing the flow of pedestrian
13 traffic. And I said, "Does everyone here agree with
14 that?" And everybody said yes. Then one cop had the
15 wisdom to say, "Well, if you got any real questions,
16 you should go ask our sergeant because he gave us the
17 order to order the kids off the block."

18 So I went to the sergeant, Sergeant Jones,
19 and the sergeant said to me, "Who are you? I don't
20 have to explain anything to you."

21 Courtesy, professionalism, respect. A
22 public relations gimmick. And he said that in the
23 presence of his supervisor who was a lieutenant by the
24 name of Brian.

25 Something is happening that cops can be

1 offensive to law-abiding citizens, can be abusive, can
2 issue illegal unconstitutional orders and there is no
3 accountability structure for that, even after the
4 Mayor said we are going to hold our commanders
5 accountable. So what did I do? I went back to my
6 office and I placed a phone call, not to CCRB because
7 CCRB as far as I am concerned is a joke. I shouldn't
8 say it's a joke because nobody laughs about it. It's
9 an unmitigated failure.

10 I did not place a call to CCRB. I placed a
11 call to the first Deputy Police Commissioner. After
12 the Police Commissioner comes the first deputy; I
13 placed a call to him and I told him of the incident.
14 Did he ask for a badge numbers? No. He wanted to get
15 off the phone. He regretted having taken my phone
16 call because he thought I was going to call him about
17 something positive or something about a conference we
18 are going to be at together next month. So I fooled
19 him. I had something that he should have been
20 interested in, but he didn't ask for badge numbers.
21 He said, "Let me call you back in 15 minutes." And to
22 his credit, he called me back. And as I said in my
23 column, it took him 15 minutes to come up what another
24 euphemism. And the euphemism, the explanation, the
25 justification was that, "Well, we didn't order it from

1 police headquarters. It's something that the borough
2 commanders have invented and they issue this, not in
3 writing, it's an oral command."

4 MS. TARACIDO: Being rude, that is?

5 MR. MEYERS: No, removing young people from
6 the off the blocks because they are concerned about
7 the flow of pedestrian traffic. The lieutenant, after
8 the sergeant upgraded in the presence of the
9 lieutenant, I asked, "Do you agree with this?" "Let
10 me explain why we are doing this. We are concerned
11 not about..." He didn't say not about "the flow of
12 pedestrian traffic," he did say "What we are concerned
13 about is the flow of youth violence. So within
14 minutes the concern went from the flow of pedestrian
15 traffic to the flow of youth violence. No specificity
16 with respect to a report that something was going to
17 happen at Norman Thomas High School or anything like
18 that, no. Just move them off the streets and be
19 abusive to law-abiding adult citizens who asked what
20 the hell is going on here in terms of constitutional
21 rights, but they didn't even use the word "hell."

22 So what can I say to you that you don't
23 already know?

24 MS. JOHNSON: I am from the suburbs. I know
25 that a lot of our young people from the suburbs are

1 New York City police officers.

2 Would you give me your views on residential
3 requirements to the police officers and if it makes a
4 difference.

5 MR. MEYERS: I really don't know because,
6 again, I asked it here in my testimony, what is the
7 empirical data? What is the evidence for one way or
8 the other way? I don't know, but my personal views,
9 probably not. I am a civil libertarian. I believe in
10 liberty. I believe that people should be able to
11 travel where they please and work where they can get
12 work. And sometimes you have got to travel to get
13 work. I am worried that a residency requirement could
14 have a negative effect particularly on minorities
15 because in ghetto areas and in urban areas the jobs
16 are not there. So if you can go into the suburbs and
17 find a job as a police officer or whatever, you should
18 be able to move on to where the jobs are.

19 So, I don't like stereotyping and
20 generalizing in terms of community and neighborhood
21 either because what we have found here is that when
22 you "live in New York City," you could also be living
23 in Bensonhurst. You could also be living in Canarsie.
24 You could also be living on Staten Island and these
25 are traditional areas, "pockets" in New York City, if

1 you will, where we have demonstrable evidence of
2 racial attitudes.

3 So I don't know if residence per se is the
4 sine qua non or the qualification for being a
5 sensitive law-abiding decent human being as a cop. I
6 don't know if residence per se is, but the only caveat
7 I would have in terms of residency would be, and it's
8 the caveat that the American Civil Liberties Union
9 has, which I will join them with in a very narrow way,
10 and that is to the extent minorities or racial
11 minorities are not represented in the police force, as
12 part of an Affirmative Action plan, residency could be
13 a help, an inducement. And in that regard, we have a
14 residency requirement already in New York City among
15 NYPD. It's New York City and Rockland and some of
16 the suburban communities, plus we add five points as a
17 preference to people who are residents of New York
18 City.

19 I hope I have answered your question.

20 MS. TARACIDO: Any other questions?

21 MR. MEYERS: You have no more questions for
22 me, Commissioner Weich? (Laughter).

23 MS. WEICH: No.

24 MR. MEYERS: Okay. I enjoyed the
25 opportunity to talk with you and I thank you very

1 much.

2 MS. TARACIDO: I have next here on the list,
3 Luis Miranda, Jr. He is not here. Juan Figueroa who
4 also is not here, so I need to know who is left here
5 in this room that is actually going to be joining us.

6 JAMES LIM (SINGTAO: I am from a newspaper
7 in Chinatown.

8 MS. TARACIDO: We have to break. We are
9 going to wait and see whether some of these other
10 people show up at 2:45.

11 (WHEREUPON A RECESS WAS TAKEN.)

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 PANEL TWO: Representatives FROM CITY GOVERNMENT AND
2 THE MAYORAL TASK FORCE

3
4 MS. TARACIDO: We will resume this second
5 session and the next session has to do with persons in
6 City Government and the Mayoral Task Force, but they
7 also come wearing other hats, so the first person we
8 are going to speak to is Margaret Fung who is the
9 Executive Director of the Asian-American Legal Defense
10 and Education Fund and a Task Force member as well.

11 MS. FUNG: Thank you very much for inviting
12 me to participate in this briefing. Just by way of
13 background, the Asian-American Legal Defense and
14 Education Fund was founded in 1974 and we do
15 litigation, advocacy, community education and law
16 student training in the areas of anti-Asian violence
17 and police brutality, voting rights, employment and
18 labor rights and immigration and naturalization.

19 Police misconduct actually is an important
20 issue for the Asian-American community, in part,
21 because traditionally it's been perceived to be a
22 problem that affects African-Americans and Latinos.
23 And definitely over the past two decades we have seen
24 a steady increase of incidents of anti-Asian violence
25 as well as police violence against Asian-Americans.

1 In fact, when we first started, one of our
2 first cases in April of 1975 involved a police
3 brutality case. It involved someone named Peter Yu
4 who is a Chinese-American who was a bystander on the
5 streets in Chinatown. He had witnessed a traffic
6 accident. He tried to intercede and complain, and as
7 it turned out he was beaten up by police officers from
8 Chinatown's 5th Precinct. That incident actually was
9 a force for mobilizing and organizing within the
10 Asian-American community to protest against police
11 brutality.

12 But earlier this month we actually brought a
13 lawsuit in federal court against the Police
14 Department. Once again, an innocent bystander,
15 someone who is a Chinese-American person who was
16 trying to serve as an interpreter for a friend who
17 spoke no English and who was being questioned by a
18 police officer who thought that he had not put a token
19 in a turnstile in a Flushing subway station. Our
20 client, who was trying to be a good samaritan and help
21 out, as it turns out, was detained for quite a while
22 and was roughed up by police officers as a result.
23 And we have actually sued in federal court. It's a
24 relatively small matter, the kind of thing one would
25 think could have been handled on the scene or perhaps

1 through the Civilian Complaint Review Board, but, in
2 fact, I think it's an indication that members of the
3 public don't feel the CCRB is a body that they can
4 rely on to get any kind of justice.

5 With the rapid growth in Asian immigration,
6 negative encounters with the police have been
7 increasing. In a report that was done by the National
8 Asian Pacific American Legal Consortium, of which we
9 are a part, which is based in Washington D.C., there
10 is a report of incidents of anti-Asian violence
11 throughout the country for 1996. There was in New
12 York City a sharp rise in incidents of anti-Asian
13 violence, in fact, a 34 percent increase from last
14 year. But more importantly, about 25 percent of those
15 cases or about 18 incidents were committed by police
16 officers who uttered racial epithets or racial slurs
17 while they were engaged in excessive force or other
18 police abuse.

19 What we have seen increasingly is that many
20 factors have contributed to rising police violence and
21 they include the use of excessive force in arresting
22 Asian-Americans who question the acts of police
23 officers as a result of an aggressive police campaign
24 on Quality of Life offenses as well as the issuance of
25 summonses. There have also been many incidents

1 affecting South Asian livery drivers. Many
2 Asian-American youth find that they are being
3 questioned by police officers because they happen to
4 fit a profile of what an Asian gang member might be,
5 depending on where they are, which neighborhood they
6 are located in. And overall, there is an inadequate
7 number of bi-lingual police officers who speak an
8 Asian language and who can be called upon to deal with
9 street encounters on a moment's notice.

10 I attached to my statement a list of some of
11 our police misconduct cases over the past 10 years and
12 if you will see from the examples, they happened in
13 all different boroughs of New York City. They include
14 men and woman of all ethnic backgrounds and ages.
15 Some of the victims have included Vietnamese-American
16 students, Chinese-American business executives,
17 Korean-American deli owners, South Asian Pakistani cab
18 drivers. Some of them are immigrants. Others are
19 citizens. Some are English-speaking and some are
20 fluent in English.

21 One problem that we see is because
22 Asian-Americans are sometimes perceived as foreigners,
23 they are increasingly being targeted as victims of
24 crime, of just plain ordinary crime and they are in
25 need obviously of effective police assistance. But at

1 the same time, as there are increases in police abuse
2 or police harassment, Asian-Americans are now finding
3 themselves also to be the victims of police violence
4 as well.

5 In 1995 when a 16 year old Chinese American
6 honor student, Yung Chin Huang was shot in the back of
7 the head by a police officer in Sheepshead Bay when he
8 was playing with other of his friends in the backyard,
9 he was shot. The Brooklyn DA's office refused to
10 indict the police officer. It led to a major
11 organizing effort within the Asian-American community
12 and, I guess, once again, the recognition that police
13 brutality does continue to exist and it's not simply
14 isolated incidents affecting only certain racial
15 minority groups, but, in fact, there is a pattern of
16 police brutality and police violence.

17 Despite a lot of skepticism about the
18 Mayoral Task Force on police/community relations, many
19 of the groups and individuals that we work with, I do
20 believe that the Mayoral Task Force can play a
21 positive role by recommending changes in Police
22 Department policies that are either based on erroneous
23 stereotypes of Asian-Americans or which fail to
24 address the concerns of predominantly
25 non-English-speaking immigrant communities.

1 There are already many excellent
2 recommendations to improve police accountability that
3 are contained in such reports as the Mollen Commission
4 Report and the reports of other government agencies
5 and in my view many of these recommendations should be
6 implemented immediately. But I think the Task Force
7 subcommittee on which I am serving which deals with
8 accountability and police services has made some
9 recommendations which are going to be considered at a
10 Task Force meeting later this week and one of them is
11 the adoption of residency requirements that will help
12 to increase the diversity of the police force and we
13 think that's an especially important issue for our
14 community because Asian-Americans are at least 7
15 percent of the New York City's population numbering
16 probably close to 800,000 and yet Asian-Americans
17 comprise only 1.4 percent of the entire police force.

18 The Task Force also can play an important
19 role in facilitating more discussion and involvement
20 by neighborhood residents who are seeking greater
21 police accountability but who are also genuinely
22 concerned about trying to improve police/community
23 relations. And there are plans to hold public
24 hearings in neighborhoods throughout the city, which I
25 hope will be carried out by the Task Force.

1 Ultimately, our effectiveness really can
2 only be measured through concrete actions and as far
3 as that is concerned I guess I and other members of
4 the Task Force are taking a wait and see attitude to
5 see which of the recommendations we can get a
6 consensus on from the Task Force members and also
7 ultimately whether Mayor Giuliani will take decisive
8 actions to reduce police brutality in the same way
9 that he has been so effective in reducing crime.

10 MS. TARACIDO: Do I hear any questions from
11 the Committee?

12 MR. SERPA: You say the CCRB as a negative
13 public image. Can you elaborate on that and why you
14 believe that?

15 MS. FUNG: Well, generally speaking,
16 especially if someone has been arrested or has been
17 assaulted by a police officer, if they file a
18 complaint with the CCRB, they find very often, first
19 of all, the delays are way too long for most
20 complainants. And I will speak only about our own
21 experience. And I know that others speakers later
22 today will have many more. But basically there is a
23 long delay before an investigator will even contact a
24 complainant. Sometimes they feel as if they are being
25 accused of having committed some kind of crime

1 themselves, even when they have never been charged
2 with any criminal offenses such as disorderly conduct
3 or otherwise.

4 When there is a resolution and in some
5 instances there have been some substantiated
6 complaints, our clients will never hear exactly what
7 happens to the police officer. And in some instances
8 either the statute of limitations runs out or the
9 punishment that has been imposed is so minor that the
10 complainant feels as if they have gone through a lot
11 of trouble only to receive no sense of justice.

12 MR. PADILLA: I was going to ask you if the
13 police union is playing any role in these efforts or
14 how they are reacting to this. The police union, if
15 you have any police union in New York City. I know in
16 Rochester we have a police union.

17 MS. FUNG: One of the issues actually that
18 our sub-committee is raising concerns the elimination
19 of the 48-hour rule which has been incorporated into a
20 police union contract. It permits police officers who
21 are either the witnesses or targets of investigation
22 to basically not speak to anyone investigating for 48
23 hours. And, of course, there exists a Fifth Amendment
24 right to self incrimination, but more importantly,
25 from the community's vantage point, there is some

1 perception that because of this police union contract
2 rule, investigations are being thwarted, that there
3 isn't a serious attempt being made to find out what
4 went on. And I think that the implementation of this
5 contract provision actually has a very negative effect
6 and it's not well-understood within the minority
7 community.

8 In other instances where we have represented
9 victims of police brutality and where police officers
10 in one case which I describe here was a police officer
11 who had assaulted a Korean store owner, the police
12 officer himself was charged for the assault and when
13 we were there to watch the sentencing and there were
14 community members of the Asian-American community who
15 were supporting the victim, there were also many PBA
16 officers present in the courtroom, which our client
17 and many community representatives felt was very
18 intimidating. I think to the extent that people in
19 the community may perceive the police union as being
20 hostile towards treatment of people of color, I think
21 it actually is very unfortunate.

22 MR. SERPA: Do you by any chance know what
23 the percentage of Asian-Americans are on the police
24 force?

25 MS. FUNG: 1.4 percent was the number that

1 we were given by the mayor's office.

2 MR. SERPA: What type of recruitment
3 efforts?

4 MS. FUNG: I understand that there are
5 recruitment efforts that are done in the Chinese
6 language newspapers and there exists Asian Jade
7 Societies for various divisions of the Police
8 Department and I think they have actually gone out to
9 speak at schools and elsewhere to try to be more
10 involved in the recruitment.

11 I know that, and I have heard before that
12 the point raised is always, well, if members of your
13 community don't apply to take the exam and become
14 police officers, then there is nothing we can do.
15 There was actually an Asian-American who had completed
16 law school and actually took the exam and wanted to
17 serve as a member of the police force, but he was
18 found to be too old because of the age requirement
19 which does not permit certain people above a certain
20 age to enter the police force. I think in some
21 instances actually that requirement was challenged by
22 the New York Civil Liberties Union.

23 I think there is some interest. There may
24 need to be more intensive recruitment efforts within
25 the Asian-American. Traditionally our people have --

1 I mean it is not considered a great profession to go
2 into.

3 MS. TARACIDO: I was going ask question. Do
4 you think that it's going to make a difference if we
5 have more of minority groups as represented on the
6 police force?

7 MS. FUNG: Yes, I do. And it's not so much
8 because one should expect that Asian-American police
9 officers will necessarily work or serve the
10 Asian-American community, but I think it does matter
11 that there is a diversity of the police force, that
12 there will be some people who have a better
13 understanding of some differences, cultural and
14 otherwise which may exist in the Asian-American
15 community.

16 One major problem that we find is that
17 really if you don't speak English, although in certain
18 precincts where there are large concentrations of, for
19 example, Chinese-Americans in Manhattan's Chinatown,
20 5th Precinct has a lot of bilingual staff. For
21 example, in Flushing in the 109th Precinct, there are
22 bilingual either receptionists or staff. That's great
23 for those areas, but as you well know, police officers
24 are stationed throughout the city and many of our
25 cases actually have actually occurred in Brooklyn

1 where there are no Asian-American police officers, no
2 one who is speaking an Asian language and the point is
3 to have a greater representation of people who are not
4 only Asian-American, but who speak different
5 languages.

6 MS. TARACIDO: I have another question, it
7 has to do with the Mollen Report which you mentioned
8 on which we actually heard some information earlier
9 that brought up issues in the Mollen Report, the "wall
10 of silence," the "them against us."

11 To your knowledge, do you find that anything
12 has been done in terms of trying to implement the
13 recommendations made in the Mollen Report since it was
14 issued in July of 1994?

15 MS. FUNG: I'm not aware of specific policy
16 changes or changes in practices that have occurred
17 that have actually changed the underlying dynamic that
18 is described in the report. I think it continues to
19 be a serious problem.

20 Task Force members actually went out to
21 different police precincts throughout the city and
22 when we asked questions of some police officers, what
23 about the "wall of silence" and what would happen if
24 you were a witness of a serious incident of police
25 brutality as occurred in the 70th Precinct with Abner

1 Louima, and I think everyone who we spoke to said, no,
2 of course, it would never happen and there is no such
3 thing as the blue wall of silence. I think there is
4 just a sense of denial among many of the police
5 officers on the force and so I don't know.

6 MS. LOPEZ: I have a question. You said you
7 went around to these various precincts and you looked
8 at their recruitment procedures for the police force.
9 Are you aware of anything that they use to retain the
10 officers once they are there, because in Rochester
11 what we do is not only do we try to advertise to
12 recruit them, but once they are there, we try to keep
13 them.

14 Is there anything that is being done to
15 that?

16 MS. FUNG: I think you should probably ask
17 other people who would come in who would be more
18 familiar with that.

19 MR. PADILLA: When we talk about
20 recruitment, we have to also emphasize retention
21 because the fact is that many of the black and
22 Hispanic officers that join the police ranks, they
23 don't stay there too long.

24 MS. FUNG: Right. Among the many
25 suggestions that have come before the Task Force are

1 to find ways and incentives especially for police
2 officers who are doing street patrol or actually
3 relating to the community and are successful in doing
4 that, whether there is a way to have a system of
5 promotions that will actually be incentives for good
6 police officers to stay on the force.

7 Many of our visits to the different police
8 precincts, our first one took place on the night that
9 the arbitration decision on the union contract came
10 out, so every police officer was furious about no
11 salary increases for the first two years. But I must
12 say that of the police officers who were selected to
13 speak with us, and this was obviously done through
14 Community Affairs or whomever the Police Department
15 sets up, that are many very highly cynical, very
16 unhappy police officers. And I am not going to say
17 they wouldn't perform their jobs as they should, but I
18 think the fact that even among younger officers, some
19 of whom had only been on the force for four years,
20 they were ranging anywhere from four and fifteen years
21 of service - even those who had recently come on the
22 force were very disenchanted with the working
23 conditions which we would acknowledge and I think need
24 to be changed, frankly. The working conditions in
25 many of the precincts are very old police precinct

1 station houses really do need to be changed.

2 But, yes, I think there needs to be a whole
3 range of incentives to make sure the people stay on
4 the force.

5 MS. LOPEZ: What kind of conditions do you
6 mean? Just the environment as opposed to anything
7 else?

8 MS. FUNG: Physical environment is one. We
9 went into some very old and rundown police station
10 houses. Some of the officers would say they had to
11 buy their own toilet paper. There is very poor
12 ventilation and lighting. I know in Manhattan's 5th
13 Precinct it's in a tenement building which was built
14 before the 1900's and it's very dark. It's a bad
15 place for police officers to work. It's not the kind
16 of place someone who wanted to complain about a crime
17 would want to go in and have a discussion with a
18 police officer. You wouldn't want to walk into the
19 bathroom. That's not right.

20 I think clearly many members of the Task
21 Force have discussed the issue about how the physical
22 working conditions ought to be improved.

23 MR. KHANKAN: The Asian-American Education
24 Fund is the name of your organization. I noticed that
25 you have somebody from Pakistan?

1 MS. FUNG: Yes.

2 MR. KHANKAN: Which part of Asia do you
3 really deal with? Is the Middle East part of Asia or
4 is India is part of Asia?

5 MS. FUNG: Yes. Basically the largest
6 Asian-American populations that we have served are
7 Chinese, Japanese, Korean, Filipino, Indian, Pakistani
8 and Bangladeshi and Vietnamese, and a very small
9 number of Cambodians. We haven't included in a very
10 formal definition the Middle Eastern countries.

11 MR. KHANKAN: So to your knowledge do they
12 have such an organization?

13 MS. FUNG: I think there is a discussion
14 among some younger lawyers who are trying to set up
15 such an organization.

16 MR. KHANKAN: Thank you.

17 MR. HANLEY: Are there constraints on the
18 mayor's Task Force, the powers of the Task Force or
19 the missions of the Task Force that are of concern to
20 you?

21 MS. FUNG: The Task Force is a purely
22 advisory body. To that degree, and to the extent that
23 we have agreed on a mission statement which I think
24 enables us to inquire into a number of areas, I think
25 it's understood that we can merely make

1 recommendations. They can be considered, adopted or
2 discarded. I think at this point, apart from specific
3 recommendations for changing the Civilian Complaint
4 Review Board which Mayor Giuliani did to some degree
5 institute by increasing its budget and approving the
6 hiring of senior investigators, the Task Force as a
7 whole has not actually adopted a package of
8 recommendations yet, so, we will see what happens.

9 MS. TARACIDO: Does it intend to?

10 MS. FUNG: Yes, it does. There will be some
11 further discussions this week about specific
12 recommendations. We went out to speak to police
13 officers, but we also spoke with community residents
14 in different areas and I think uniformly among the
15 community residents, they all said, "So what really is
16 the Task Force doing? Aren't you going to issue a
17 report? When is your report coming out? What exactly
18 are you doing?"

19 I think it's clear that many of us feel that
20 there need to be very specific kinds of
21 recommendations for action, that it should be in the
22 form of a written report, and it should be done as
23 quickly as possible.

24 MR. ARNSTEIN: Do you have any sense that
25 this will happen prior to the mayoral election which

1 is only a week away? Do you have any sense that the
2 timing of all of this has to do with the mayoral
3 election?

4 MS. FUNG: I assume that the appointment of
5 the Task Force, the creation of the Task Force, of
6 course, had something to do with the mayoral election
7 and politics in general and the Task Force is meeting
8 tomorrow to discuss some of its recommendations and
9 hopefully we'll have a consensus on some of them.

10 Many of us had urged that recommendations be
11 adopted prior to the election just to set an informal
12 deadline for reporting some results and there is still
13 time for that to happen.

14 MR. HANLEY: Do you have subpoena power
15 available?

16 MS. FUNG: No.

17 MR. HANLEY: Have you needed it?

18 MS. FUNG: No.

19 MS. TARACIDO: The question that Mr. Hanley
20 asked earlier, there wasn't a sort of mission that you
21 were given that you had to abide by outside of which
22 you should not venture, so to speak?

23 MS. FUNG: No, there was -- Has Katie Lapp
24 spoken to you all?

25 MS. TARACIDO: No.

1 MS. FUNG: Is she coming?

2 MS. SERPA: No.

3 MS. FUNG: I think all of us were approached
4 by either the Mayor or some of his staff when the Task
5 Force was created and I think some of us had a very
6 different or very general idea about what the Task
7 Force was going to do. When the Mayor issued his
8 press release announcing the creation of the Task
9 Force, it seemed to be addressing specifically the
10 issue of this courtesy, professionalism and respect
11 program which all of the police officers are required
12 to attend these half-day sessions with community
13 residents.

14 I think many of us did ask prior to joining
15 the Task Force about whether we could look into other
16 areas such as the training curriculum, recruitment,
17 other issues not only about police/community relations
18 in a general sense, but also accountability in terms
19 of what kind of discipline is given to police officers
20 who are found to either have committed acts of
21 violence or in which CCRB complaints have been
22 substantiated and we were told that it was really wide
23 open. So the mission statement I think is really
24 broad and enables us to look into a number of areas
25 and see what we can come up with.

1 MS. TARACIDO: Any other questions? Thank
2 you very much.

3 Is there a Una Tomlinson?

4 MS. CLARK: I am Una Clark. I am a member
5 of the New York City Council representing Brooklyn's
6 40th District.

7 The most recent incident that has created
8 this Mayoral Task Force occurred in my community that
9 I represent, and therefore, I have been intimately
10 involved with all of the Louima case. From the minute
11 it occurred, I was the second person called by the
12 nurse who made the report about what had occurred, at
13 Coney Island Hospital. She described what had
14 occurred and she described what her actions had been
15 and I supported all of the actions that she had taken
16 up to then.

17 I immediately called the Commissioner of
18 Police and asked him did he know what occurred in the
19 70th Precinct and what action he would take and he
20 called me back within 25 minutes after checking to
21 make sure that all of what had occurred and what was
22 said on New York 1 indeed had occurred and that it was
23 on his desk. He called back and said, yes, and that
24 they would get back to me to let me know what their
25 actions would be.

1 I asked for an immediate meeting of members
2 of my community leadership of my community to discuss
3 in detail what the Department's action would be
4 concerning this, what I considered and did describe as
5 an uncivilized act in my community. I related to him
6 that this was the third very serious incident in the
7 community that I represent, the first having been the
8 incident that led to the breaking of the back of
9 Carlton Brown in the 73rd Precinct for which the city
10 settled for \$16 million dollars. Following that was
11 the shooting of one Aswon (phonetic) Watson on Church
12 Avenue. Twenty-eight bullets were fired. His body
13 took 18 for which there was no redress and so this
14 last incident was the straw to break the camel's back.
15 And when I asked for the meeting I must say that both
16 the Mayor and Commissioner Safir responded very
17 quickly, decided to convene a meeting at Medgar Evers
18 College at 4:00 p.m. that evening. The news went out
19 through the grapevine that we would be meeting and
20 there were more television and news cameras there that
21 we recognized that no business could be done in that
22 atmosphere, so we met at One Police Plaza. The Mayor
23 was present and described what action would be taken.
24 Our community made clear that we want nothing less
25 than a complete cleaning up and cleaning out of the

1 7-0. And we described it this way: That whoever was
2 in the precinct that night who could have heard,
3 should have heard and would have known what happened
4 need not be in the precinct and that we were making
5 that as a demand.

6 The Mayor called the next morning at 6:00
7 a.m. at my home and said that he had listened to the
8 voice of the community and that he was taking
9 immediate action. He named the persons to be
10 arrested, what other persons were talking and then
11 finally what his action was. I think the quick action
12 created what would have been a real riot and a real
13 awful situation for the community.

14 I was able to speak on radio and television
15 very quickly to the community to calm them because I
16 think it would not be of any purpose to our community
17 if we would destroy our own community out of anger and
18 then have to rebuild the community that we have built.

19 Let me go on record also of saying that I
20 represent Brooklyn's largest Caribbean community
21 outside of the Caribbean. A full 70 percent of my
22 district are immigrants from all over the world. We
23 have 75 ethnic groups that I represent, the largest
24 numbers being immigrants from the Caribbean.

25 But we have always complained that not only

1 do we find discourtesy on the part of the police,
2 police insults, if not outright police brutality in
3 the community and we have recorded them and have I
4 thought that this last incident was the one that would
5 create the environment in which something had to be
6 done.

7 And so I am a member of the Mayoral Task
8 Force. I thought that when I was asked, although I am
9 a democrat, I could not say no because my community
10 demands that of me and expects that of me. I think to
11 the extent that this Task Force is quite diversified
12 and in my mind many people have different agendas and
13 could well take away the focus from what the real
14 issues are, I am staying on this Task Force so no one
15 will ever forget central Brooklyn and the people who
16 live there and where we think a majority of these
17 incidents take place, one, because it's a large
18 immigrant community. There are perceptions that
19 people don't vote. There are perceptions that there
20 are people who are illegal. There are many, many
21 perceptions about the community and the powerlessness
22 of that community and therefore I think that police in
23 many cases feel that they have carte blanche if not
24 the fact that many of the nations from which we come
25 have been in many ways stereotyped as areas in which

1 drug traffic or transshipment point for drugs, so that
2 I have had to fight not only this administration, but
3 before, when Commissioner Ward was there and kept a
4 list of our "black book" it was called of families
5 that were arrested who were either arrested for drugs
6 or otherwise, they listed the name of the entire
7 family. The innocent went guilty and we had to fight
8 that as a battle that you may not stigmatize families
9 or you may not stigmatize a nation from which people
10 come as a result of some people being arrested.

11 Following that this present administration
12 had asked for a list of all arrestees that were West
13 Indians which would mean English-speaking Caribbean
14 and Jamaicans in particular. And we had to quickly
15 fight that battle also to make sure that we would not
16 stand for stereotyping of the community and that
17 because they may assume that we don't vote that we
18 would quickly become -- not the least of which also is
19 the immigration reform so that many people in the
20 community feel very, very much on a thread at this
21 point in time.

22 So all of this has in many ways created an
23 atmosphere both of fear for the police and fear of
24 safety including the anti-terrorist act which is
25 assigned.

1 So I feel that serving in the City Council
2 where policies are made, serving a community that
3 needs to have a voice, that I am there to bring the
4 issues up and we think that a lot needs to be done
5 with police and policing.

6 I have been assigned to the Task Force
7 subcommittee on police recruitment and training. I am
8 a trainer by profession. Outside of politics I am a
9 teacher/trainer and think that my experience in that
10 field can help to shape some of what both curriculum
11 and instruction is.

12 I don't believe that a course in sensitivity
13 is all you need in a country that is multi-cultural
14 and diversified. I think we need to help people to
15 understand and manage diversity in a way that is
16 appropriate so that I don't go to a precinct for 15
17 minutes at roll call time and say, here is the
18 Caribbean community, here is what some of our customs
19 and traditions are and if somebody talks with their
20 hands, they are not about to attack you. That's not
21 for me enough in terms of what sensitivity is.

22 I think that this is a country of diverse
23 backgrounds. I think that there have been many waves
24 of immigrants and that my wave of immigrant is no
25 different than the waves that came before us, have no

1 less aspirations to be a part of the American fabric
2 than any other wave that have come before us. And I
3 think my role both on the Task Force and in the City
4 Council is to be able to help people to understand and
5 manage some of what their stereotypes may be and what
6 some of their fear in a time when I think the politics
7 is a politics of fear rather than a politics of
8 bringing people together and helping the nation to
9 move forward.

10 MS. TARACIDO: Do you have any questions?

11 I have two questions. One has to do with
12 what you mentioned earlier about documenting of cases
13 or situations in which there have been problems. Is
14 that in addition to the three that you have mentioned?

15 MS. CLARK: Yes. I'm coming from City Hall
16 right now because there is an industry that my
17 district and my community I think have advanced and it
18 is called the mini van transportation business that is
19 exactly what people use and use as transportation from
20 where we come. In Queens where we have a large
21 concentration of Caribbean Americans, as well as in
22 Brooklyn there is a total of about 1200 vans that run
23 along Flatbush Avenue and part of what both police has
24 done is to create an enforcement, put barriers against
25 legalizing them so that they can be towed, they can be

1 mistreated. And the van drivers have a story to tell
2 about the names that they have been called, about the
3 disrespect that they have had including the many kinds
4 of insults that they have had to endure.

5 I have advanced legislation in the City
6 Council, some of which gets to be leadership issues in
7 the Council in legalizing these vans. There was a
8 demonstration at City Hall today because my opponents
9 which is the MTA and the Transport Workers Union have
10 convinced some members that there needs to be a
11 moratorium on legalizing those vans in other words to
12 create a study in the City of New York to decide where
13 these vans ought to work. So that is part of what
14 helped to give us a sense of I think that this is a
15 country in which you create jobs and I think that
16 these thousand men and women created a job for
17 themselves, become entrepreneurs. They have met all
18 of government regulations and the only thing that we
19 have done is to create a boundary to give them the
20 final okay to run on the road and so we have all of
21 those documented. From the 7-1, we have had a number
22 of officers transferred from that precinct because of
23 a their insults and their disrespect for both the
24 drivers and the riders and the way in which they have
25 handled them.

1 I know that my colleagues talked about the
2 CCRB. I am one of the members that created the all
3 Civilian Complaint Review Board as a piece of
4 legislation and although I think that because of the
5 mayor's opposition to a body outside of the Police
6 Department overseeing police, that it has not been
7 properly funded and have not been given the proper
8 authority, so I think that part of backlog and part of
9 people's hesitancy in going to the CCRB is the long
10 wait before they can be seen and heard. Part of it
11 becomes their word against the police officer's word
12 and some people feel, well, it doesn't make any sense
13 for me to go anyway.

14 I think the fact that he has now said that
15 senior investigators that have proper training either
16 in police and policing who may not be in the
17 Department but who have the experience might become
18 investigators, that we may be able to put if not a new
19 face on the CCRB, we can strengthen it so that we can
20 create both public confidence. In it the CCRB was not
21 meant to look at police corruption and/or police
22 misconduct. It is for the minor incidents of police
23 discourtesy and nothing that is criminal, so that I
24 feel that that is a first place in which one ought to
25 go to be able to say that the police has not.

1 I think the fact that people have to go to
2 the Police Department or a precinct to get the form to
3 fill in to complain against the police is a deterrent
4 for them to complain. If I have to go to the very
5 precinct on whom I'm going to complain, why do I go
6 and get a form there?

7 So I think once the Task Force sets itself,
8 disciplines itself to all of the issues that I think
9 that we will be able to make some headway and make
10 some strong recommendations. I think most of us who
11 serve on that Task Force, if not all of us, took the
12 responsibility seriously. It happened in an election
13 year and certainly everybody will read politics into
14 it. I think that when I called the Mayor and the
15 Commissioner and asked for swift action, I know it was
16 an election year, but I also know that my community
17 demanded that something be done. And I think this
18 crime was so heinous that there was nothing for
19 anybody to hide or could hide in this case.

20 MS. TARACIDO: The data that you are
21 collecting, is that available to us?

22 MS. CLARK: It will be, yes. Sure.

23 MS. TARACIDO: I have another question with
24 respect to your experience as a trainer. Are you
25 familiar with the Mollen Report?

1 MS. CLARK: Yes, I am.

2 MS. TARACIDO: You are talking about the
3 Task Force. You are on the subcommittee of the Task
4 Force during the training and recruitment?

5 MS. CLARK: Yes.

6 MS. TARACIDO: To your knowledge in your
7 review of whatever has happened up until now has
8 anything happened between 1994 and 1997 with respect
9 to the recommendations made in that report as to
10 training and recruitment?

11 MS. CLARK: Yes. Some minor, not major
12 things. There has been the Cadet Corp that comes out
13 of the John Jay College which was one effort to make
14 sure that we would have a diverse force and training.
15 We have starved that program, but now I understand
16 from the Commissioner that they will look at that
17 model. I think there is a five point differential for
18 recruitment to make sure that local residents can be.
19 I think that because the state legislation that
20 created the law for the police recruitment, I think
21 it's going to be hard to get Nassau County and Suffolk
22 County legislators to vote for a residency law and I
23 think that the best thing we can do is to make sure
24 that we grandfather in that when police officers leave
25 that new recruits come from the five boroughs. But I

1 think it's going to be a heavy lift to say that those
2 who are now in the Department that they must move into
3 the city as a residency requirement because we would
4 probably have to ask that all other uniform officers
5 come to the city which would include our Fire
6 Department and our Sanitation workers. So I think
7 that whatever we do at this point in terms of
8 recommendation, we have to make sure that we create an
9 atmosphere that there can be diversity. And I think
10 the fact that they have increased the age of police
11 officers to be recruited, the fact that they are
12 asking for two years of college, all of which may be
13 good for some communities. It may not be good for all
14 communities. I don't know that that's necessarily
15 good for the black community or the Latino community.
16 So I think that sometimes things become mixed
17 blessings and you have to look at your blessings when
18 you do these things.

19 MS. TARACIDO: I have one question that has
20 to do with the information gave us about the 71st
21 Precinct and transfers. You said you were able to get
22 officers transferred out that were a problem for that
23 precinct, is that correct?

24 MS. CLARK: Yes.

25 MS. TARACIDO: The Mollen Report also talks

1 about that, transferring cops who are doing things
2 that are not great in one place and pushing them
3 somewhere else. Did you ever follow up to see what
4 happened with those officers, if the same problems
5 arise in the new setting? What happened?

6 MS. CLARK: In one instance, when the
7 officer was moved, he was promoted and sent someplace
8 else but that was not my problem. He was promoted and
9 it is my understanding and placed someplace else, but
10 I think probably in an environment which we would do
11 better culturally and racially because I would think
12 that the new community in which he went, he would have
13 to behave a lot better.

14 MR. SERPA: You mentioned diversity training
15 and a short presentation at the beginning of roll call
16 isn't enough. What do you recommend?

17 MS. CLARK: I recommend that within the
18 curriculum itself that there be a whole body of
19 understanding and managing issues of race, ethnicity,
20 customs and traditions because in a city where people
21 have so many different customs and traditions, which
22 people hold dear, that police officers need to be able
23 to know that. I have also recommended that as part of
24 their own training that they do some community service
25 ahead of time; serving in a not-for-profit agency that

1 serves the diversity of that community so they would
2 see. Because a police officer is not a social worker
3 but they need to know what are some of the social
4 conditions in the community that leads to a lot of the
5 crime that they will have to deal with.

6 MR. SERPA: What is offered currently at the
7 academy?

8 MS. CLARK: Not much. I am now looking at
9 the curriculum, so I can't tell you all of the
10 details. I just know that when I went to Columbia
11 Teachers College to do multi-cultural education, it
12 was not just that there is a person called Chinese and
13 they look one way and they eat a piece of food a
14 different way, it was more about customs and
15 traditions. And I think that for any body of persons
16 who serve this large population that they need to be
17 able to know that if they come to my 71st Precinct
18 which bridges the Caribbean American community and the
19 Hasidim community that the Hasidim community have very
20 different traditions and customs than we do.

21 MS. JOHNSON: Did I understand you to say
22 these suggestions were going to be made for the
23 training while they are in the academy?

24 MS. CLARK: While they are in the academy,
25 yes. I think that I will probably push for an

1 additional three months of training because I think
2 that six months of training is not enough. I had to
3 spend four years to become a real good teacher and
4 even that after that, when I walked in the classroom
5 with 30 children I was floored. So can you imagine
6 walking into a precinct in a community with 140,000
7 people? How does a cop manage and understand all of
8 what the complexities of those communities are? And
9 certainly if you need to bridge the gap between
10 policing and the community, it is their understanding
11 of that community that is going to make it work
12 because I think that we would be foolhardy to feel
13 that we don't need the police. And I think that to
14 make it negative that we don't need the police is
15 probably the worst signal that we can send. We need
16 to be able to say we need to find ways in which to
17 weed out and to select and to train those who want to
18 be good police officers.

19 MS. TARACIDO: Do you envision doing this
20 also for regular staff or are you saying it's only
21 going to be limited to the Police Academy?

22 MS. CLARK: No. I think that one of the
23 commitments that both the Mayor and the Commissioner
24 has made by this point is that all members now on the
25 force should be able to receive some training and, of

1 course, they have something called CPR, the CPR
2 training. And I think that they could extend that.
3 I think that in-service training is always good. I
4 don't think that anyone comes on a job and doesn't
5 need a refreshers course; all of us to keep up with
6 the state of the are of whatever we are in need
7 pre-service training and in-service training and I
8 will be pushing for pre-service training along with
9 in-service training.

10 MR. HANLEY: Council, you suggested that, I
11 think that the immigration reform laws were having an
12 effect on the willingness of the members of the
13 community to come forward with police complaints?

14 MS. CLARK: Very much so, yes.

15 MR. HANLEY: Has there been any indication
16 that the police themselves have treated the immigrant
17 community differently since the advent of the
18 immigration reform laws?

19 MS. CLARK: Very differently. When I was
20 talking about police insults in my community and
21 police disrespect would be when a police would pull up
22 a van driver and say, "We are going to run you back to
23 where you came from" and they would put whatever
24 little word to describe where they came from,
25 including the calling of the coconuts, including the

1 accents.

2 MR. HANLEY: Are those types of incidents
3 recorded somewhere?

4 MS. CLARK: We have many of those, and as a
5 matter of fact, we did a hearing following the Louima
6 incident at Brooklyn College and many of the persons
7 who came to testify, testified about that and so that
8 would be on the record of the Public Safety Committee
9 of the City Council, Council member Loeffler
10 (phonetic) is chair of it and if you would need to get
11 that transcript, I could ask that the transcript be
12 sent to you.

13 MR. HANLEY: Is there any change in the
14 formal responsibilities of the police vis-a-vis the
15 Immigration Naturalization Service or any substantive
16 change in the job description with respect to
17 immigration laws?

18 MS. CLARK: No. As a matter of fact, I
19 think that the Police Department is still quite
20 unaware of the new immigration laws and how it impacts
21 on the immigrant community. And point is following
22 the demonstration at City Hall following the Louima
23 case, 110 of the demonstrators were arrested leaving
24 the demonstration at the foot of the Brooklyn Bridge.
25 They were taken to the 9-0 which is far away from the

1 community from which they came and when I was called
2 and told about the arrest, I went to the 9-0 that
3 night with a colleague and called Commissioner Safir
4 and the Mayor and reminded them that if these persons
5 - and many of them were youngsters - were either
6 fingerprinted or given an arrest record, that come
7 time for them to become citizens, it would probably be
8 held against them and they would not be able to become
9 citizens, one. And number two, were they to leave the
10 country, they could not return to the United States of
11 America if they were fingerprinted and the fact that
12 they just went for a demonstration, in my mind
13 committed no crime except that they were walking
14 together and somebody said they were congregating and
15 if more than five youth walk together, then they could
16 be arrested for some new funny laws that we have on
17 the book to curb youth violence.

18 I made it clear both to the Commissioner and
19 to the Mayor that I think it was both uncalled for and
20 unnecessary, those arrests. After I reminded them of
21 the new immigration law, except for four who had
22 previous arrest records, they were all given desk
23 appearance tickets, so that he cooperated there again.

24 MS. LOPEZ: I did have a question. You
25 mentioned that the CCRB were people to pick up the

1 forms to apply, they have to go to the precincts?

2 MS. CLARK: Yes.

3 MS. LOPEZ: Would it be possible to have
4 other locations established where people can obtain
5 these forms, and if so, what other locations would you
6 suggest?

7 MS. CLARK: We have made that as a
8 recommendation and I am sure that there will be no big
9 resistance on that. I think the library is a good
10 place. I think that the Post Office is a good place.
11 I think a school is a good place because students go
12 there. Their parents are probably the ones that are
13 making the complaints anyway. I think since you can
14 register to vote in many places, you could pick up the
15 form in many places, so I think it's just the general
16 will to do it and to educate the public that this is
17 where they can get the form.

18 MS. TARACIDO: I think we are going to have
19 to move on to the next person. We want to thank you
20 very much for having come to tell us about your
21 experience with respect to this issue and we look
22 forward to getting that information from you that you
23 say you have collected.

24 MS. CLARK: Thank you very much.

25 MD. TARACIDO: We have Norman Siegal.

1 MR. SIEGAL: Thank you for the invitation.
2 It's a pleasure to be here.

3 MS. TARACIDO: Identify yourself on the
4 tape.

5 MR. SIEGAL: Sure. A young-looking Norman
6 Siegal. I am a little uncomfortable on the agenda.
7 It's says first, the group about community groups and
8 civil rights organizations and then representatives
9 from City Government and the Mayoral Task Force. I
10 never thought of myself in the second category, but
11 things do change, especially with this mayor's Task
12 Force.

13 Anyway, for those of you not from New York
14 City, welcome. There are two things I wanted to say
15 immediately before I go into a kind of an analysis of
16 the problem. We need your help. This is a serious
17 and substantial issue. We have an opportunity now -
18 in my 13 years at the Civil Liberties Union this
19 opportunity has never been as intense and as focused
20 as it is now, but my experience with the Rodney King
21 situation, with the police riot in Tomkins Square Park
22 in the summer of '88 is that each morning I wake up
23 hoping that it doesn't disappear. It disappeared
24 after Rodney King and it disappeared after Tomkins
25 Square Park. When I say "disappear," that people

1 aren't focused in on the systemic problem of police
2 misconduct, and more specifically, police brutality.
3 So, one, we need your help in having a hearing. We
4 need the U.S. Commission on Civil Rights to come to
5 New York City and to publicize that you here, if
6 possible, to not just go to Manhattan, but to go out
7 to other parts of the city.

8 When I was a young ACLU lawyer in the '60's,
9 the U.S. Commission was coming to town was the word in
10 places in Alabama and Mississippi and people came. We
11 believed in the U.S. Commission for Civil Rights. It
12 was a very important vehicle to bring about the change
13 in the deep South so that when I go back to the deep
14 South today, in some ways it's healthier than it is,
15 as my friends in the south say, "up South."

16 And I think the Civil Rights Movement,
17 nobody knows where it is anymore, but it's here in
18 this issue. This issue has raised some class issues
19 as I will talk by in a couple of minutes. And so when
20 I think of the U.S. Commission on Civil Rights, when I
21 was writing my briefs in the '60's for the ACLU, they
22 always had 'Political Participation' which was our
23 bible from the U.S. Commission on Civil Rights on our
24 desk, we incorporated it into all our briefs and our
25 policy documents. And we need you because you have

1 the prestige and the status to bring attention to this
2 issue and to make some recommendations as well.

3 So, one, I would very much urge you to hold
4 hearings throughout the city and allow the people of
5 New York, not the heads of various elite organizations
6 to come here during the hours of workdays to talk to
7 you, but for you to get out there and let all New
8 Yorkers tell you their horrific experiences with the
9 NYPD and also New Yorkers who will tell you their good
10 experiences with NYPD.

11 Second, if there is one thing I would ask
12 you to do, I would ask you to make the people in
13 Washington, either at the U.S. Commission or at the
14 Justice Department, to once and for all issue an
15 annual statement on police misconduct.

16 After Rodney King, the Clinton
17 Administration promised to do that. Each year the FBI
18 issues its statement on crime and I get calls from the
19 media on that and it reminds me that we still don't
20 have an annual statement on a national level of police
21 misconduct, especially police brutality.

22 I think it's by design because I can give
23 you have the analysis in New York City, but I can't do
24 it anywhere else in the state or the country. And
25 there are various people, my counterparts in other

1 parts of the country that well know LA and San
2 Francisco and they'll know Chicago, but nobody has the
3 national overview. And you can't make any comparative
4 scholarly analysis of police departments from one city
5 to another city because the data is not there. And
6 it's all anecdotal. This is too serious a problem for
7 one anecdote.

8 This summer the New York Civil Liberties
9 Union moved from Midtown to Downtown and I was going
10 through the files and I found the very first board of
11 directors meeting of New York Civil Liberties Union in
12 1951 and there were four single-spaced typed pages of
13 minutes and two and a half pages of the four pages
14 were devoted to police brutality. I read it and it
15 was like I was reading the 1997 board minutes.
16 Nothing had changed. The same systemic questions.
17 The same problems are still there.

18 This is a very elusive problem, but because
19 of what allegedly happened on August 9 to Abner
20 Louima, a lot of people in this city, people outside
21 the city are looking at this issue. So the cliché is
22 appropriate here, we have a window of opportunity. I
23 don't know how much longer it goes. I don't know if
24 the window slams at 11:59 on November 3rd when the
25 election season is over, but it's been going now for

1 about two and a half months. I'm sure it's one of the
2 reasons you are all here today and I think we needed
3 at minimum to get the Clinton Administration, the
4 Justice Department to issue an annual statement
5 telling the rest of the country telling the rest of
6 the country what the status is of police misconduct
7 complaints in all the cities around the country.

8 So I would hope that you might be able to do
9 something about this. I have not been able to succeed
10 in making that happen.

11 With hard to what I think I have been told
12 I'm supposed to do in seven minutes is to say to you
13 that I think that we have a serious problem and one of
14 the things that we have to overcome is to expose the
15 myths about police brutality and I will do it as
16 quickly as I can in seven minutes. I have never done
17 it before, but it's a challenge.

18 The first common myth about police brutality
19 is that it's an isolated incident, it's an aberration.
20 Predictably, when an incident occurs, the police
21 people, most of the political people, the established
22 people are on the six o'clock news saying this is an
23 isolated incident. What I respond by saying is, how
24 many isolated incidents do we need before it's not
25 isolated and how many isolated incidents do you need

1 before you can conclude that there is in fact a
2 pattern or practice.

3 Chair Taracido mentioned the Mollen
4 Commission Report which documents it very well. The
5 Amnesty International Report from summer of 1996
6 documents it very well. New Yorkers themselves have
7 documented it very well. In 1994, 1995 and 1996,
8 approximately 10,000 allegations of excessive force by
9 the NYPD were filed at an admittedly ineffective
10 Civilian Complaint Review Board; 10,000, that's a lot
11 of allegations.

12 The second common myth is that it's only a
13 few bad apples in the barrel. That metaphor distorts
14 the reality. I understand why people resort to the
15 metaphor, because it's painful to recognize what the
16 reality is.

17 We have acknowledged that we think that the
18 overwhelming percentage of police officers do a very
19 good job. In response to the "few bad apples," we
20 have countered by saying "that's not true" and that in
21 fact in 1996 there were actually 2,094 bad cops; "bad"
22 defined as police officers who are hostile to the
23 people they police, have attitudinal problems, are
24 abusive and at times, just simply bigoted.

25 How do we get to the 2,094? It's a reaction

1 to over and over again the people that I alluded to
2 before, police management, elected officials,
3 established people, telling us that it's only a few
4 bad apples. So we actually start looking at a formula
5 where we take a look at how many complaints are filed
6 at the Civilian Complaint Review Board. Why there?
7 Because it's the only place that there is public
8 accountability and we get information. For example,
9 in 1996 there were approximately 5600 complaints
10 filed. So we take that on an annual basis and divide
11 it into how many police officers there are - 5600 into
12 38,000 gets you 14.7. We then have estimated, based
13 on our own experience, that conservatively speaking or
14 moderately speaking, anywhere from 25 to 50 percent of
15 all the complaints at the Review Board are valid. The
16 average is 37.5 percent. So we take the 37.5 percent,
17 multiply it by the 14.7 and in the year 1996 we got
18 5.51 percent which is 2,094 cops.

19 I would not take the stand in a case that I
20 was involved in and testify under oath to what I just
21 said. It's a reaction to the distortion that the
22 other people make by saying it's a few bad apples.
23 It's somewhere in between. But the point is that it's
24 not just a few bad apples. It's a small significant
25 percentage of police officers, at least in New York

1 City, based on our experience, that are bad cops. We
2 need to identify them. There should be a profile to
3 try to figure out who these officers are, what
4 characteristics do they have in common. We should
5 isolate them. We should retrain them if possible and
6 if we can't they should be fired. They should be
7 given due process, but if they can't do the job and
8 are violating people's rights, there is no reason for
9 them to be on the Police Department. And if they
10 stay, they are going to taint the entire NYPD.

11 The third common myth, very important,
12 especially to the U.S. Commission on Civil Rights, is
13 the myth that there is no racial overtones to police
14 brutality.

15 Again, I understand why people don't want to
16 look in the mirror. New Yorkers, as many Northerners
17 do, engage in what I call the "self-denial syndrome"
18 when it comes to race. Racists are in Mississippi and
19 Alabama and South Africa, but they are not in our own
20 backyard. "Most of my best friends are" And you
21 fill in the line. Or the new problem is - how do I
22 put it - you go to a cocktail party on the Upper East
23 Side of Manhattan and there is a conversation between
24 two people who are both white and the person says X
25 and the other person says you're full of shit, get out

1 of here. The next night, the same conversation, but
2 now it's a black and a white and Latino or Asian as
3 well and a white and the person of color says X and
4 the white person says that's interesting. So there is
5 a subtle sophisticated form of bigotry in places like
6 New York and we need to be candid about it and be
7 honest about it because otherwise we'll never overcome
8 it.

9 The same problem exists in the issue of
10 police brutality. In 1996, 53 percent of the
11 complaints file with the Civilian Complaint Review
12 Board were filed by African-Americans. In 1997 so far
13 56 percent of the complaints have been filed by
14 African-Americans. The African-American population in
15 New York City according to the 1990 census is 25.2
16 percent, so it's more than doubled now. There is no
17 other group that has that kind of disproportionate
18 relation to their population at large. I have no
19 statistics, but it doesn't stop me very often from
20 making the kind of statement I am now going to make,
21 and that is that if you look at the Latino community,
22 which the complaints are in sync with their population
23 at large, I would venture to say that the dark skinned
24 Latinos are the ones that are filing the complaints.
25 So race is a factor in police brutality whether people

1 want to acknowledge it or not and it's important to
2 acknowledge it because otherwise we'll never make any
3 progress on it.

4 What can you do about it? Time doesn't
5 allow me to go through all of that, but very simply,
6 you need more training, especially racial sensitivity
7 training in the Academy and in the precincts. There
8 is some training going on, but not adequate.

9 Number two, we need to create real community
10 counsellors. When I was in London this summer, the
11 ten days that I was there, half of the days there were
12 headlines about police brutality in London with racial
13 overtones there as well with the new immigrant groups.
14 I told some of the people there they should hire some
15 of the old SNIC and SCLC people to come over there and
16 be consultants because I think Europe is just running
17 the course to have a Civil Rights Movement in the next
18 five years. But they had community councils that had
19 civil rights activists working with the police.

20 In New York City and in a lot of places
21 there is what is called police/community councils. On
22 the police/community councils there are what I call
23 the accomodationists, the people who are "Yes, sir.
24 Yes, ma'am." You need trouble makers. I'm a trouble
25 maker. You need people who are "respectful" but are

1 not going to "yes'um" all across the board. People
2 who in fact will say no when the Police Department
3 wants to do Y or Z. We have don't have enough of that
4 on the councils that are in the city, so you have to
5 develop something more effective.

6 Third, you need an independent effective
7 Civilian Complaint Review Board. With due respect, to
8 Ms. Clark, you don't need a form. I don't know if
9 they have the form that she is talking about. All you
10 have to do is pick up a phone and call the CCRB and
11 make the complaint currently to the people at the CCRB
12 and they take down the information. So we don't
13 counsel people to fill out forms. We tell people to
14 pick up the phone or go to the CCRB. You don't really
15 want to go to the Police Department. Also you should
16 take a look that a good percentage of the drop in the
17 complaints that have occurred over the last two years
18 at the CCRB is now people are not going there as much
19 as they used to are drops in the amount of people who
20 go to the precincts. Precincts are not a place to go
21 to make the complaint.

22 Abner Louima's brother and his cousin that
23 Saturday went to the precinct and they were escorted
24 out of the precinct. It's not the first time that we
25 know of people who go to the precincts to make

1 complaints and they are nicely or sometimes not nicely
2 given the door. That is a violation in and of itself.
3 So, what you should do is have a system and if you are
4 talking about decentralization, the Civilian Complaint
5 Review Board should not just be in Manhattan at 40
6 Rector Street, it should have branch offices in at
7 least one of each of the boroughs and probably in more
8 than just one place because in certain parts, of say
9 Brooklyn, just putting it in one part of Brooklyn is
10 not sufficient for the people in the other part.

11 But the CCRB is another story. We drafted
12 the legislation and it was a culmination of 30 years
13 of a Civil Rights Movement in New York City to get an
14 independent Civilian Complaint Review Board. On
15 December 18, 1992, when we won 41 to 9 of the City
16 Council, we went home euphoric. And I say "we"
17 meaning the entire civil rights community in New York
18 City. We thought we had won something that took three
19 decades. It became a nightmare because it was
20 sabotaged by the police union, by elected officials
21 and even the 41 people who voted for it, they
22 abdicated their responsibility and leadership because
23 when we, the gadflies, were telling them that it was
24 being sabotaged and wanted hearings and to bring
25 people in effect in contempt of the city charter, they

1 looked the other way. They didn't want to hear it.

2 So I find it ironic that some of the people
3 who come and publicly say, oh, yea, I co-sponsored
4 that bill, where were they over the last four years
5 when we needed the legislative support to hold
6 hearings and hold the people who were responsible for
7 undermining the CCRB, they were nowhere to be found.
8 Their voices weren't even there.

9 Fourth, you need a residency requirement and
10 you need an Affirmative Action plan that includes a
11 residency requirement. The NYPD by design in my
12 opinion is the best it is at this point, but wait
13 until you hear the numbers. 68 percent of the NYPD
14 are Caucasian. Only 32 percent of the NYPD are people
15 of color. In a town that by the census is 61 percent
16 people of color, which all of you know which means
17 that there is probably more than 61 percent people of
18 color.

19 The Police Department will tell you that 40
20 percent of the police officers do not live in the City
21 of New York. Those of us in the Civil Rights Movement
22 therefore immediately will put in another 10 percent,
23 if not more. So you are talking about, ballpark, half
24 of the cops don't live in the city. No one would be
25 talking about having people who live out of the city

1 have to move it. They would all be grandpersoned in
2 so that it's not an issue, as Ms. Clark was talking
3 about.

4 The issue is that NYPD has not made a
5 commitment to have Affirmative Action in order to
6 bring in people who are more reflective of the City of
7 New York and specifically African American, Latino and
8 Asians. There is no commitment there and I think if
9 you had an Affirmative Action with a residency
10 requirement prospectively, you would have an eligible
11 pool that would include more people of color than what
12 we currently have, and in due time, we would then have
13 a more reflective Police Department.

14 I have heard stories where officers say, "I
15 have got to go to the f_____ zoo in order to deal
16 with the f_____ animals." That's wrong. That's got
17 to be exposed. That's got to be rooted out. There
18 should be no tolerance for that kind of rhetoric or
19 attitude, and yet, the Police Department is too
20 defensive on this. If they talk about zero tolerance,
21 this is where zero tolerance should begin.

22 We also need an independent special
23 prosecutor because the District Attorneys and the U.S.
24 attorneys, 98 percent of their cases are relying on
25 testimony from police officers to prosecute the bad

1 folk. And so as some of them have said to me
2 privately, they are in a conflict situation. If they
3 go after the police officers, they are not going to
4 get the cooperation in the future on their other
5 cases.

6 I have heard elected officials when we were
7 trying to get people to support the independent
8 Civilian Complaint Review Board, my people City
9 Council who would say to me, I think this is the right
10 bill, the right thing to do, but I can't sign onto it.
11 Why? Well, I have to provide services to the people
12 in my community. Yeah. Well, I am on this group, I
13 will be perceived as being anti-cop and then I won't
14 get services for the people in my community.

15 That's an attitude that has to be exposed
16 and has to be changed. You should not have to fear
17 the NYPD especially if you are an elected official.
18 And yet, that happened over and over again in 1992 and
19 I don't the climate has radically changed.

20 No one is anti-cop. What we are is anti-bad
21 cop and no one should be timid or wimpy on being
22 anti-bad cop, including the police establishment. But
23 you have heard about the blue wall of silence. It
24 exists. There is also a white wall of silence in they
25 sense that talk about the blue wall of silence because

1 the cops wear blue. But if you notice, there are also
2 supervisors who wear white shirts and the white shirts
3 in some ways are just as bad and from my perspective
4 worse because they are more responsible. If you can
5 understand the culture of not ratting someone out,
6 that's one thing, but the higher you move up on the
7 totem pole and the more leadership and responsibility
8 you have, you had should be able to overcome that kind
9 of culture. And when you take a look at the examples
10 that I have cited before, even the Abner Louima
11 alleged incident, there were supervisors there that
12 evening and where were they to do what they had to do?

13 So there are things that have to be done.
14 We in New York have a unique provision called the
15 48-hour rule where if a officer is a suspect, the
16 officer gets two business days where the officer
17 doesn't have to speak to anyone.

18 If I'm a suspect in a crime, I guarantee you
19 that they are there in a minute. They are not even
20 giving me an hour, let alone 48 hours. And the
21 48-hour rule too often becomes a 4,080-hour rule and
22 what the problem is is that the intensity and focus of
23 an investigation is undermined and it is put on a back
24 burner. That 48-hour rule should be eliminated. It's
25 in the Collective Bargaining Agreement and there needs

1 to be a movement to again expose the 48-hour rule and
2 to also even to the Police Department, explain to them
3 that the 48-hour rule is not needed because the Fifth
4 Amendment will protect any officer from
5 self-incriminated himself or herself.

6 There is a lot of other things that I could
7 be talking about, but it's not fair to the format and
8 if you ever want me to come back, I could talk all day
9 about what has to be done.

10 The problem generically is that we have not
11 fulfilled the premise and the premise very simply is
12 that in a democratic society, it's we the people who
13 must have control and oversight and accountability
14 over those people that we employ and empower to use
15 physical and deadly physical force. That's not a
16 reality in the City of New York. It's probably not a
17 reality in any municipality that I can think of in the
18 United States.

19 So what do we do? I think what we have to
20 do is we have to use whatever vehicles we have, and
21 you are of the vehicles. You are a very meaningful
22 and prestigious vehicle to bring A, attention to the
23 issue and B, to have you use your energy and resources
24 and skills to help us out in A, making recommendations
25 for systemic change and B, to make it happen. Not

1 just to say we want to recommend A, B, and C, but then
2 figure out an action agenda to make it happen.

3 It would be wonderful if the people in power
4 would sign on to this movement, but if they don't, we
5 have to still put the people together to create a
6 people's movement to force the people in power, which
7 historically is usually the way it works, and to
8 question, therefore, with due respect, where are you
9 going to be?

10 Hopefully you will be with us. We need you.
11 And I'll leave it at that point.

12 Thank you.

13 MS. TARACIDO: Any questions?

14 MR. HANLEY: You mentioned the possibility
15 of an independent special prosecutor for police
16 brutality cases. Is there a model available?

17 MR. SIEGAL: In New York, we had for a
18 period of time an independent special prosector for
19 corruption and in most quarters where people study
20 these issues, the overwhelming majority would say
21 that was an effective model. I think that's a model
22 that people can look at to show that it can work.
23 And it's also interesting if I can take a moment, the
24 NYPD should get credit for taking on the corruption
25 issue. You have all have either read or saw the film

1 about Frank Serpico and the Knapp Commission. Serpico
2 in my opinion is a great New York hero. He put his
3 life on the line. He was courageous and helped expose
4 a systemic problem. Then came the Knapp Commission
5 with some very strong recommendations. And to the
6 NYPD's credit, they actually made some institutional
7 changes, which are not easy to do with regard to
8 corruption. There is very little tolerance or
9 corruption.

10 I tell the story of a officer who recently
11 was caught shoplifting in Disneyland and the item that
12 he shoplifted was \$39. That was the value of it. And
13 the NYPD to its credit terminated the person, like
14 that.

15 Then I will tell you the story of an officer
16 who a couple of years ago went into a Korean deli and
17 took the owner's head and bashed his head into the
18 table, beat the hell out of the guy, was sent to jail
19 and served time in jail and the guy is still on the
20 NYPD. So the difference between how they deal with
21 corruption and how they deal with brutality, is day
22 and night.

23 If we could get the NYPD to effectively take
24 on brutality as they have done on corruption, that
25 would be a huge step in the right direction. So the

1 model would be the special prosecutor that we had from
2 1974 to 1990 on corruption. The last one was Charles
3 Hines. But for financial reasons, which I think was a
4 mistake, they eliminated that position, but it would
5 seem to me that we would have a special prosecutor and
6 we should never bifurcate corruption from brutality;
7 they are linked.

8 It's interesting - the Mollen Commission, we
9 testified and persuaded them to that point, but the
10 first recommendation that the Mollen Commission made
11 and that the City Council moved on is for an
12 independent commission on police corruption.

13 So once again, after everything that we went
14 through in the City of New York, the City Council just
15 again voted for an independent commission on
16 corruption so what do they do, they violated what the
17 Mollen Commission recommended. They bifurcated
18 corruption from brutality. And you have got to get to
19 the point where somehow brutality is not the stepchild
20 and it's brought up to be equated with corruption.

21 MR. SERPA: About racial complaints, you
22 said in 1997, 56 percent of complaints filed at CCRB
23 were by African-Americans?

24 MR. SIEGAL: Right.

25 MR. SERPA: With a 26 percent population of

1 African-Americans?

2 MR. SIEGAL: Correct.

3 MR. SERPA: Do you know what percentage of
4 African-Americans involved in the legal system in New
5 York for that year?

6 MR. SIEGAL: You mean with regard to people
7 who are accused?

8 MR. SERPA: Arrested, accused.

9 MR. SIEGAL: I don't know, but usually
10 people react that way, so let me come back with a
11 find. In 1995 the Civilian Complaint Review Board did
12 a study and they haven't done it ever again, and they
13 concluded that the people who made complaints of the
14 Civilian Complaint Review Board - now I was astounded
15 by this number - 88 percent of the people who filed
16 complaints were not people who were arrestees or
17 people who had received summonses.

18 The reason why this issue has such resonance
19 is because the people who are making the complaints
20 are law-abiding citizens. The interaction that leads
21 to the complaint is not by the "criminal," although
22 criminals have due process rights as well. What it's
23 about is people who are law-abiding. That's why when
24 I go to a meeting anywhere in the city, South Bronx,
25 Upper West Side, Bed Stuy, Coney Island, and I get up

1 in a meeting and there is 20, 30 people or more, there
2 will be at least two if not six people who will get up
3 and tell their horrific story as if I wrote the
4 script, which I don't, and they get up and they tell
5 their story about as an innocent law-abiding New
6 Yorker, the cops did A, B and C. And that's why there
7 is a movement out there waiting to be organized to
8 take this issue on. It's not the criminals who are
9 making the complaints. It's the law-abiding citizens.
10 And that's why it has such resonance and that's why I
11 think people should do something with regard to this
12 issue.

13 MS. HARDY: Could you just clarify the
14 number. I think it was over 2,000 that you came up
15 with regarding the number of bad cops.

16 MR. SIEGAL: 2,094.

17 MS. HARDY: Could you just tell me again how
18 you got to that number? I know it was based in part
19 on the complaints to the CCRB.

20 MR. SIEGAL: We take a look at the one year
21 and see how many complaints were filed at the CCRB.
22 In 1996 there were 5,600. So you then take that and
23 divide it into the number of police officers that are
24 on the Police Department, in that case, 38,000. We
25 got a number a little less than 15 percent, 14.7. We

1 then analyzed of the complaints that were filed, how
2 many did we really think were valid. And so we take a
3 mean between 25 and 50 percent which is 37.5 which is
4 like a third. And you take a third of what is sort of
5 ballpark 15 percent and then you get 5 percent of the
6 Police Department that is cops, 5 percent of the
7 38,000 turns out to be 2,094.

8 Again, there is no science there.

9 MS. HARDY: I realize that.

10 MR. SIEGAL: And it fits our conceptual
11 point which is that the overwhelming percentage of
12 cops are good cops, but a small significant
13 percentage, 5 percent, which turns out in 1996 to be
14 2,094 to show dramatically that it's not just a few
15 bad apples.

16 What I think you could do is, I recently met
17 with personnel people at the NYPD and again, they did
18 a profile of the corrupt cops. I asked them did they
19 do a profile on the brutal cops and they said, no, we
20 didn't think of that. I said would you please think
21 about that. And if you did that, you could do some
22 preventive work.

23 For example, I was astounded to find out
24 that they don't every five years bring the cops back
25 to interview them to see whether or not they have

1 stressed out. You could be a great cop when you come
2 in and five or ten years later because of the dynamic
3 that you face out on the street - not an easy job - I
4 wouldn't want it - and I thank God there are people
5 who take that job and do it well - but it's an
6 enormously stressful job and yet we don't bring them
7 back to counsel, to talk with them, to see if they
8 need counseling. That would be preventive work.

9 So we have got potential psychopaths ready
10 to blow up out there and when they came in they were
11 great, but the day after day stress that they are
12 facing - why aren't we supporting them? Why aren't we
13 counselling them? Why aren't we setting up programs
14 that would be able to identify those people. And then
15 of the ones, let's say the 2,000 that we are talking
16 about, I would estimate that you probably could save
17 50 percent if not maybe two thirds of them. But then
18 what you are talking about is a significant 400 or 500
19 hundred, maybe, of cops who shouldn't be there who
20 then should be terminated. And there is no effective
21 mechanism to make that happen.

22 MS. HARDY: In that equation with the 2,000
23 plus number, do you take in account that some of the
24 complaints filed with the CCRB perhaps involve the
25 same officers?

1 MR. SIEGAL: You can take that into account,
2 but you also should be aware that if there is 5600
3 complaints, there is probably more than 5600 officers
4 involved in the complaint. So the use of number 5600
5 is a lower number than if I actually used the number
6 of how many officers got a complaint during that year.

7 MS. HARDY: Repeat offenders, does that get
8 calculated at all?

9 MS. SIEGAL: I use the number of complaints.
10 If I use the number of officers, in addition to taking
11 in and eliminating the ones that get a double
12 complaint, it would be more than 5600, so I used
13 actually a lower number. In other words, if there is
14 a complaint, sometimes the complaint could be against
15 two or three officers, so I'm using just the complaint
16 number for 5600.

17 And again, I don't want you to necessarily
18 spend a lot of time on focusing in on how I got to
19 2,094.

20 MS. HARDY: My core concern is that I can
21 envision that this ideal that there are only a few bad
22 apples and I think if anyone has studied - the real
23 question is studying that that in fact is the case.

24 MS. TARACIDO: In other words, I understand
25 you are talking about the information being available

1 at least through the CCRB as to who is having
2 allegations made about them and whether or not there
3 is some way of looking at that data from the
4 perspective of who is having that happen to them on
5 more than one occasion.

6 MS. HARDY: I was wondering if in fact that
7 equation took that into account in any way.

8 MR. SIEGAL: Mel Barkan, the current chair
9 of the CCRB who is trying to improve the CCRB is going
10 to be here later or so on the agenda. I think you
11 could ask him that. Gene Lopez is here who is also
12 trying to improve the CCRB. I think you can ask those
13 questions to them. I think they have that
14 information.

15 MS. HARDY: You did answer the question. I
16 was just wondering about your equation in getting that
17 number.

18 Thank you.

19 MR. KHANKAN: Mr. Siegal, recently we read
20 in the New York Times Op Ed page that under secret
21 evidence and secret accusations, certain community,
22 nine of them are under deportation by the Immigration
23 Naturalization Service. Neither the arrested nor
24 their lawyers are allowed to challenge these secret
25 evidence.

1 What can the U.S. Commission on Civil Rights
2 do in your proposal or suggestion?

3 MR. SIEGAL: We have a lawsuit against that.
4 I think that is un-American. I think it is a
5 violation of due process. The idea that America would
6 have secret hearings with secret evidence and that you
7 could not see what they are charging you with is one
8 of the most outrageous propositions in American
9 jurisprudence. We have filed a lawsuit in the federal
10 court against that. I would hope if the U.S.
11 Commission on Civil Rights has the capacity to file an
12 amicus curiae brief, a friend of the court, supporting
13 that, or if not, issue a public statement with regard
14 to that. You don't even have to take a position on
15 the people who are in question. The idea that the
16 government can accuse someone of bad actions and you
17 can't find out the specifics about what those bad
18 actions are is simply unacceptable.

19 MS. TARACIDO: Mr. Siegal, thank you very
20 much.

21 MR. SIEGAL: Even though that didn't have
22 anything to do with police brutality, thank you all
23 very, very much.
24
25

1 PANEL THREE: REPRESENTATIVES FROM LAW ENFORCEMENT

2 AGENCIES:

3

4 MS. TARACIDO: We are one of the civil
5 rights committees dealing with issues concerning the
6 individual communities. I don't know if you know
7 anybody from the Civil Rights Commission. We are here
8 basically to get some information about what's going
9 on based on some of the reports that we have received
10 regarding the incidents of police abuse and community
11 relations issues here in New York City. I'll be happy
12 if you could give us some information.

13 COMMISSIONER SAFIR: Thank you. I have a
14 prepared statement which I will read.

15 Good afternoon, members of the Committee. I
16 am pleased to have the opportunity to discuss with you
17 police/community relations and the efforts of the
18 Police Department to ensure that police officers
19 perform their duties with professionalism and respect
20 for those they serve. I will describe for you the
21 wide range of recruitment techniques, training
22 efforts, performance monitoring systems, and
23 disciplinary procedures which the Department uses to
24 ensure that its officers conform to the highest
25 standards of professionalism and integrity. I will

1 also talk about what we as a City can do, and what the
2 Department in fact does, to prevent and address
3 excessive force and abuse of authority by those whom
4 we entrust with our safety. I will then discuss how
5 the Police Department builds relationships with the
6 diverse communities of New York City to improve and
7 maintain solid local partnerships in the effort to
8 make our city safer and more welcoming to all.

9 Recently, we have heard outrage and fear
10 expressed again and again by those who see police
11 officers only as potential abusers. We are ourselves,
12 as members of the Police Department who have made law
13 enforcement our career, outraged by what has been
14 alleged to have happened in the 70th Precinct case.
15 We took immediate action to investigate the case,
16 arrest the subject officers, and suspend them during
17 the pendency of the criminal case, sending a clear
18 signal to the Department that such appalling conduct
19 will not be tolerated.

20 But there is another important truth to tell
21 here - the vast majority of police officers put
22 themselves at risk every day and go about their jobs
23 with professionalism and with regard and respect for
24 those they serve. Just as it would be wrong to judge
25 communities by the small minority who commit serious

1 crime, it is equally wrong to judge all police
2 officers based on the small minority who choose to
3 abuse their public trust.

4 I will not discuss the variety of methods by
5 our Department to ensure that New York City is served
6 by a police force that is second to none.

7

8 Selection

9 From the start, we recruit and select the
10 best possible candidates, and have recently upgraded
11 our hiring standards to require a minimum age of 22
12 and the attainment of 60 college credits or two years
13 of military service. As of September 30, 1997, the
14 racial/ethnic composition of the uniformed force is:
15 68% white, 13.6% black, 17% Hispanic, and 1.5% Asian
16 and American Indian. Females represent 15% of the
17 uniformed force. We make special efforts to recruit
18 minority and female applicants, including
19 advertisement in special interest magazines and
20 newspapers, contact with dozens of community
21 organizations serving women and minorities, and
22 presentations at major special interest events. We
23 conduct extensive recruitment drives at local
24 colleges, especially the various City University
25 campuses, as well as in churches, military bases, and

1 local commuter hubs. Our Police Cadet programs
2 provide an excellent source of quality candidates of
3 diverse backgrounds. We encourage City residency
4 among our candidates by providing a 5-point residency
5 credit on the entrance exam for those who live within
6 the five boroughs.

7 We conduct intensive background and
8 character investigations to screen out candidates with
9 problems such as spotty employment histories, criminal
10 involvement, domestic violence histories, and the
11 like. We screen out candidates who are or have been
12 involved with drugs by using enhanced drug testing
13 techniques. We also conduct psychological evaluations
14 and interviews to eliminate candidates who may be
15 prone to violence or other behavioral problems. I
16 note that in fact we screen our approximately 19% of
17 candidates based on psychological testing. The result
18 of such careful selection and background investigation
19 is that only one in six candidates screened succeeds
20 in becoming a recruit.

21 22 Training

23 Once a candidate becomes a recruit and
24 enters the Police Academy for training, he or she
25 receives instruction in all aspects of police work,

1 including intensive work on sensitivity, community
2 relations, and social diversity. We concentrate on
3 teaching empathy and communication skills to people in
4 crisis, and maintaining professionalism under adverse
5 conditions. We provide physical, tactical training in
6 the appropriate and necessary use of force, but we
7 also give recruits the tools they need to resolve
8 problems in non-physical ways, by what we call "verbal
9 judo." We emphasize ethics and professionalism
10 throughout our curriculum, and encourage recruits to
11 incorporate the principles of "CPR" - "Courtesy,
12 Professionalism, and Respect," - in everything they
13 do. I would also like to note the continuation of a
14 welcome trend in improved academic excellence among
15 our recruits. Because of our higher entrance
16 requirements and the strengthening of Police Academy
17 performance standards, the October graduating class
18 had a higher overall academic average than any prior
19 Police Academy class.

20 After recruits graduate and join their
21 fellow officers in everyday police work, the training
22 effort takes on new meaning, since training may in
23 fact save their lives. At the most basic level, roll
24 call training is conducted by precinct training
25 personnel and often includes volunteer members of the

1 community, who talk with officers about community and
2 social issues which the officers confront daily.
3 Formal in-service training includes three major
4 components: Verbal judo, as discussed earlier;
5 Officer Safety and survival training, in which
6 non-lethal tactical alternatives are taught, in order
7 to resolve confrontations with minimal amounts of
8 force; and In-Tac training, which provides a review of
9 the legal, procedural and tactical implications of
10 police actions through role plays and debriefings,
11 while emphasizing respectful interactions with members
12 of the community. We believe that this training
13 effort has contributed to the 25% decrease in the
14 number of shots fired by police officers, when
15 comparing 1996 to 1995, as well as to an increase in
16 shooting accuracy and across-the-board decreases in
17 shooting incidents, accidental discharges, and
18 gunfights.

19 As officers are promoted to supervisory
20 positions, they receive specialized training which
21 enables them to handle their enhanced
22 responsibilities. In the Basic Leadership Course,
23 they are taught how to manage subordinates who violate
24 the principles of CPR with the public, and learn how
25 to de-escalate tensions when a subordinate becomes

1 rude or personally involved in a conflict. In "LEAD"
2 training, they receive advanced level CPR training and
3 participate in role plays in which enactment of
4 various police encounters is explored, with emphasis
5 on using CPR and seeking effective solutions. At all
6 levels, supervisors are repeatedly reminded that they
7 are held accountable for their subordinates' actions
8 as well as their own.

9 . On a much broader scale, we have recently
10 instituted an innovative program, "Citywide CPR," in
11 order to foster mutual understanding between police
12 officers and their local community, to expose each to
13 the other in a positive way, and to raise the levels
14 of sensitivity and awareness of each other's needs and
15 issues. The experience is highly interactive, and
16 includes individual break-out groups to facilitate
17 honest dialogue. Our goal is for every uniformed
18 member of the Department to participate in a day-long
19 training session with community members; to date,
20 11,400 officers have received this training.

21 Selection and training are the critically
22 important input" factors for a professional police
23 force, but they must be accompanied by intensive
24 performance monitoring and strong, swift discipline
25 for others who commit acts of misconduct. One

1 important tool used in monitoring police officers;
2 performance, which can also result in serious
3 disciplinary consequences, is the analysis of civilian
4 complaints.

5

6 Civilian Complaints

7

8 I will briefly describe how civilian
9 complaints are handled in New York City. Civilian
10 complaints alleging excessive force, abuse of
11 authority, discourtesy, or use of offensive language
12 may be filed in person, by mail or by telephone at any
13 Police Department facility as well as at the office of
14 the Civilian Complaint Review Board in lower
15 Manhattan. If the complaint is made at a Department
16 facility, it is immediately phoned into the Civilian
17 Complaint Review Board. The Board then conducts an
18 independent investigation and makes a dispositional
19 recommendation. If the Board substantiates a
20 complaint, the complaint is referred to me for further
21 consideration. I conduct a thorough review of the
22 case and make a determination whether to go forward
23 with disciplinary action against the subject officer.

24

25

In this context, I would like to discuss
what is a constant refrain in our City, that the

1 complaints made to the Civilian Complaint Review Board
2 automatically signify that ours is a brutal
3 Department. Nothing could be further from the truth.
4 This commonly-held belief reflects a complete
5 misunderstanding of the nature of CCRB complaints, and
6 what substantiation of those complaints really means.

7 Over 60% of the allegations made in any
8 given period are not force allegations but rather
9 allege discourtesy, abuse of authority, or offensive
10 language. Of the force allegations, only a minority
11 of the cases involve an actual injury to the
12 complainant, and a significant amount allege that the
13 complainant was pushed or shoved. Of course, any
14 improper use of force must be addressed, but it is
15 misleading to assume that most complaints are either
16 force complaints or serious force complaints.

17 I would also like to place the receipt of
18 civilian complaints in the proper context of the
19 number of interactions between police officers and
20 members of the public. For example, in 1996, police
21 officers responded to over four million radio runs,
22 made over 330,000 arrests, served over 400,000
23 personal summonses, and issued over 1.5 million moving
24 violations. Every one of these interactions
25 represents an opportunity for a police officer either

1 to act professionally or to engage in behavior which
2 might generate a complaint, and yet the total number
3 of complaints filed in 1996 was 5,596. Of the 5,716
4 complaints reviewed by the CCRB in 1996, a total of
5 259, or 4.5% were substantiated. You can see why we
6 believe that that vast majority of officers do their
7 jobs well, with courtesy and respect.

8 Looking even more carefully at the
9 processing of civilian complaints, I would like to
10 discuss the issue of substantiation. Again, we hear
11 constantly that not enough police officers are
12 disciplined as a result of substantiated CCRB
13 complaints. It must be noted that a CCRB
14 substantiation is not based upon a due process hearing
15 and is not sufficient by itself to justify formal
16 disciplinary action against a police officer. This is
17 in direct contrast to the mandate given to the
18 Department by virtue of the Administrative Code and
19 the Civil Service Law, which requires a full blown
20 adversarial hearing as a prerequisite to the
21 imposition of disciplinary penalties. Pursuant to
22 law, alleged misconduct must be proven by a
23 preponderance of the evidence produced at the hearing.
24 The unfortunate reality of the CCRB process to date is
25 that the investigations referred to the Department

1 have been very old, typically 15 months old or older,
2 and they have contained serious deficiencies. As
3 such, the percentage of officers actually disciplined
4 pursuant to this process has been low, and it is
5 misleading to assume that all substantiated complaints
6 should, or can, result in discipline to a police
7 officer. This is in direct contrast to the
8 disciplinary decisions which I have made during my
9 tenure, based upon charges developed from the
10 Department's investigations and guilt after
11 administrative trial, which have resulted in
12 termination of 111 officers to date. This number
13 includes of course dismissal of such individual as
14 former officer Frank Livoti, whom I terminated after
15 he was acquitted in a criminal trial, but found guilty
16 in an administrative trial.

17 I would also like to note here that most of
18 the 35 police officers whom I have dismissed from the
19 Department because they have committed excessive or
20 unnecessary acts of force were not dismissed as a
21 result of CCRB complaints but rather through the
22 Department's own investigations. I would point out,
23 however, that during my tenure as Police Commissioner,
24 I have seen significant efforts to improve the
25 timeliness and quality of CCRB investigations under

1 the leadership of Chairman Barkan and Director Lopez,
2 but there is still significant room for improvement,
3 and it is my belief that they share this view.

4 Finally, on the issue of civilian
5 complaints, I would like to note that an examination
6 of the last 15 years of CCRB complaints shows that the
7 highest number of complaints were filed in 1985,
8 7,073, with a police force of about 13,000 fewer
9 officers. Examining the data further shows that the
10 average number of complaints per officer in 1996 (0.15
11 per officer) is lower than it was in every year from
12 1982 (0.18) through 1988 (0.16), with a high of 0.28
13 in 1985.

14 However, because civilian complaints are so
15 typically used as a barometer of police performance, I
16 would note that since the implementation of our "CPR"
17 Strategy, in mid-1996, complaints have consistently
18 decreased, to the degree that comparing the first
19 eight months of 1997 with the first eight months of
20 1996, we see a dramatic 21% drop. Making "CPR" a part
21 of every officer's way of doing his or her job is
22 accomplished in many ways: Training, developing
23 leadership skills, encouraging community outreach, and
24 compliance testing. Since June of 1996, over 4,800
25 officers have been tested for the civility of their

1 interactions with the public, with an average of 500
2 random tests per month, and the results have been
3 overwhelmingly positive.

4
5 Monitoring

6
7 The Department has placed enormous emphasis
8 on monitoring officers who may be having difficulty
9 adhering to the high standards of behavior we set for
10 them. From precinct commander to the highest
11 executive levels, the Department's leadership has a
12 primary mission, scrupulous review of their
13 subordinates' performance and behavior. This is
14 accomplished in several ways. The Force Monitoring
15 Program utilizes computer tracking capabilities and
16 triggering criteria to identify officers who seem to
17 be using excessive force or that otherwise need to be
18 comprehensively reviewed. The Civilian Complaint
19 Reduction Program brings to a commanding officer's
20 attention officers who generate a high number of
21 complaints, or other noteworthy complaint information,
22 so that the commander may design appropriate remedies.
23 The Resisting Arrest Charge program monitors the
24 performance of officers lodging high numbers of
25 "resisting arrest" charges, and cross references its

1 data with the Force Monitoring Program, so as to
2 identify potential problems among this population of
3 officers. The remedies crafted to deal with officers
4 subject to this enhanced monitoring include
5 counseling, reassignment, training, heightened
6 evaluations, and placement in what is called "special"
7 monitoring, in which termination is likely.

8 Additionally, in February, 1997, we created
9 a committee, chaired by the First Deputy Commissioner,
10 to examine in depth the performance of police officers
11 with seemingly intractable behavior problems. The
12 committee is charged with the responsibility of
13 reviewing the employment profile of uniformed members
14 of the service with six or more civilian complaints
15 over the past five years. This committee has
16 broad-ranging authority and has acted to effect
17 transfers, CPR tests, integrity tests, and expedited
18 disciplinary prosecutions in appropriate cases. Also,
19 this committee has received a commitment from the CCRB
20 to expedite investigations pending against uniformed
21 members of the service who have become the subject of
22 scrutiny by the committee.

23 Monitoring in its broader sense is applied
24 at the command level, by holding commanding officers
25 accountable for the civilian complaint history of

1 their subordinates. Analysis of civilian complaints
2 received has become an integral part of the COMPSTAT
3 process, and we are communicating our clear
4 commitment to all police executives that the tenets of
5 courtesy, professionalism and respect will be the
6 underpinnings of everything we do.

7 Finally, in addition to monitoring the
8 police officers whose actions have not risen to the
9 level of formal discipline, we have put in place a
10 mechanism, the Disciplinary Task Force, to identify
11 and review officers with serious disciplinary problems
12 and design particularized solutions. The Task Force
13 draws on the resources of the entire Department,
14 including all internal investigative units, to develop
15 aggressive strategies for investigating and
16 prosecuting these cases.

17

18 Investigation and Prosecution

19

20 With regard to the actual investigation and
21 prosecution of police abuse, in addition to the normal
22 mechanisms of criminal and administrative
23 investigation, the Department established in Internal
24 Affairs Bureau Force Unit in 1993. Its mission is to
25 monitor and investigate serious force complaints. In

1 some instances, the Force Unit conducts an
2 investigation parallel to one conducted by the CCRB,
3 and ensures that cases of criminal use of force are
4 investigated thoroughly and result in criminal
5 prosecutions. Conversely, the Department's Special
6 Prosecutor is charged with the responsibility of
7 prosecuting serious disciplinary cases which typically
8 involve wrongdoing that is criminal in nature.

9 The Department has also established a CCRB
10 team in the office of the Department Advocate which
11 specializes in the prosecution of substantiated
12 civilian complaints. Staffed by nine attorneys and
13 four investigators, the CCRB team works intensively to
14 strengthen the investigations and develop effective
15 administrative prosecutions.

16 17 Police/Community Partnerships

18
19 The cornerstone of effective policing is
20 community support. It is a basic tenet of our
21 philosophy that the more a community is involved with
22 their own security, the safer and more successful the
23 City will be. To that end, the Police Department has
24 always emphasized programs which actively involve
25 members of the community in police matters. Every

1 precinct has a Precinct Community Council, a body made
2 up of members of the local community, which meets
3 regularly with key precinct personnel to share
4 information, help set priorities, and address mutual
5 problems. Community members all over the city become
6 even more personally involved by becoming Auxiliary
7 Police Officers, serving as volunteers in a support
8 capacity. Members of the public are invited to
9 participate in "ride-alongs," in which they accompany
10 patrol officers for a day or evening to get a true
11 sense of what policing entails. The Citizens Police
12 Academy is a program designed to educate the public on
13 police procedures and responsibilities and is attended
14 by many community leaders.

15 Involvement with young people in the
16 community is especially important, and the Department
17 has several outreach programs focused on youth. Chief
18 among them is "DARE," the Drug Abuse Resistance
19 Education program, which sends officers into schools
20 and provides children with the skills to recognize and
21 resist the pressure to experiment with drugs or join
22 gangs. The Youth Police Academy is a summer program
23 for teenagers in which law, social science, drug
24 prevention and resistance to gangs are emphasized.
25 The Boy Scouts' Law Enforcement Explorer program gives

1 young people the opportunity to work closely with
2 police officers and develop career potential, a sense
3 of responsibility, and leadership qualities. The
4 Police Athletic League also brings youngsters into
5 contact with police officers in a wide variety of
6 recreational and social programs.

7 One of the most successful police/community
8 partnerships developed recently was the creation of
9 the Police Commissioner's Advisory Board on Courtesy,
10 Professionalism and Respect. Thirty-two highly
11 respected business professionals, clergy, and
12 community leaders came together in 1996 to devote
13 their talents and commitment to assist the Police
14 Department in forming the CPR Strategy. This
15 represents on a Citywide level what happens in every
16 local precinct and public service area, when people
17 work together toward a common goal. For example, in
18 upper Manhattan, community residents and police have
19 recently combined to oust drug dealers from their
20 blocks and free their streets from institutionalized
21 crime and harassment. This initiative is true
22 community policing, and it would not be possible
23 without the support and assistance of the people it is
24 intended to help.

25

1 Policy and Legislation

2

3 The Department as a whole is rethinking its

4 policies and practices, through the recently-

5 established Management Review Task Force. The

6 Department's Task Force is an internal complement to

7 the Mayor's broad-based Task Force on Police Community

8 Relations. Reporting directly to me, the Department's

9 Task Force is comprised of high level police managers

10 who are charged with examining any and every aspect of

11 the 70th Precinct case as it relates to overall

12 Departmental issues - management, IAB issues,

13 staffing, CPR, accountability, and arrest procedures,

14 to name some. An especially important part of their

15 inquiry has been to examine supervision issues, so as

16 to ensure that our commitment to appropriate

17 supervision at all levels and at all times is met. As

18 a result, we have designed a comprehensive plan, and

19 secured funding, to increase supervision by promoting

20 additional complements of sergeants, lieutenants, and

21 captains to be deployed in field commands. Our goal

22 is to have a lieutenant scheduled as a desk officer

23 for every tour of duty, with additional sergeants

24 assigned to patrol supervision. An increased

25 complement of captains will provide enhanced overall

1 supervision in patrol commands including monitoring
2 patrol operations from a borough level.

3 Finally, I would like to ask you to help us
4 in our attempts to strengthen the Police Department's
5 disciplinary system. We have submitted bills to both
6 the New York City Council and the State Legislature
7 which would dramatically improve the administration of
8 discipline in the Department in several ways, such as
9 expanding my disciplinary options and preventing
10 convicted felons from collecting a police pension, but
11 we have had little success in gaining support. I ask
12 you to exert your influence on the legislative
13 leadership at state and local levels, so that we may
14 redress serious gaps in the law.

15 Thank you for the opportunity to present to
16 you the Department's efforts in addressing police
17 misconduct and developing solid police/community
18 relations, and I welcome your questions.

19 MS. TARACIDO: That was a lot of information
20 and I think I should have taken notes to ask my
21 questions.

22 COMMISSIONER SAFIR: We will give you a
23 copy.

24 MS. TARACIDO: We heard earlier today from
25 folks who are community folk types, Civil Rights

1 people who have been dealing with this issue and what
2 we came away with from that piece of the meeting was
3 that as much as what you are saying may be trying to
4 effect the changes in actions of police officers, it
5 apparently is not being viewed that way by the public
6 that they are working with. There are some serious
7 questions on the part of the people who were here
8 earlier regarding the kind manner in which police
9 officers actually deal with the public. And I guess
10 what I'm asking you at this point would be how do you
11 know that any of these things are working? What do
12 you do to determine that they are working?

13 COMMISSIONER SAFIR: We do a number of
14 things. First, we did a lot of community outreach and
15 of course in any forum like this, it depends on who is
16 sitting in front of you. It depends on whether the
17 advocates are advocates with particular points of
18 view, whether they are really representative of each
19 community or they are representing their particular
20 own agenda.

21 I will tell you that we do it a number of
22 ways. When we implemented CPR as a program, we didn't
23 implement it as just a slogan. We actually go out an
24 field test our own people. We have a Field Evaluation
25 Unit that goes out working undercover as citizens and

1 they approach police officers on the street and ask
2 them for help, for advice, for information. They go
3 into precincts asking for assistance. They call on
4 the telephone. And we grade each of those tests to
5 see whether or not a police officer responds properly.
6 When they respond properly, we tell them that he have.
7 When they respond in an extraordinarily good way, we
8 tell them that they have and commend them. When they
9 respond in an inappropriate or inadequate way, we
10 either retrain them or discipline them. So, we have
11 regular testing program and we have done almost 5,000
12 of these tests in the last year.

13 The other measure is - and you have to use
14 it as a measure, when CCRB complaints were up, every
15 civil rights group and every advocate group condemned
16 the Police Department for CCRB complaints being up.
17 When CCRB complaints are down, you have to use te same
18 barometer. And the fact is that CCRB complaints are
19 down 21%. So, that is a good indication that we are
20 going in the right direction and that the CPR program
21 is working.

22 I am not about to sit here and contend that
23 we do not have any abusive, brutal, or discourteous
24 police officers. In an organization of 38,310 people,
25 you are always going to have people who do not follow

1 the rules and regulations. Unfortunately, you cannot
2 legislate human behavior. What you can do is, when
3 you become aware of it, you can deal with it and
4 that's something I take very seriously.

5 MS. TARACIDO: Following up on that issue,
6 to what degree have you demonstrated that you are able
7 to deal with these - let's call them "bad cops."

8 COMMISSIONER SAFIR: I have actually
9 terminated more police officers in the last 17 months
10 than my predecessors did in the previous 0 months, so
11 that sends a very clear signal. Also, organizations
12 follow the signals of their leaders and one of the
13 things that I introduced after I became Police
14 Commissioner - most of you are probably familiar with
15 our COMPSTAT program on crime - how we hold our
16 precinct commanders very accountable for how they
17 reduce crime and we bring them to meetings every five
18 weeks and during those meetings they are literally
19 "grilled" on how they are doing on reducing crime and
20 if they are not reducing crime, they have to present
21 us some strategies and programs on how they are going
22 to. Into that process, we have included as a measure
23 of a precinct commander's success or failure, the
24 reduction of civilian complaints as well. And we have
25 instituted a program where whenever a police officer

1 gets a civilian complaint, he is personally
2 interviewed by the precinct commander, the borough
3 commander and has him explain exactly what happened
4 and why it happened. It's made very clear that
5 civilian complaints are something that are not
6 acceptable, if they are substantiated. There are many
7 civilian complaints that are made that are not true.

8 MS. TARACIDO: Isn't one of the problems
9 with the backup, where it's such a slow process?

10 COMMISSIONER SAFIR: The civilian complaint,
11 yes.

12 MS. TARACIDO: By the time you do whatever
13 you do, everything is pretty much cold and you have
14 already said that unless you hold a due process
15 hearing, there is not much you can do. When you talk
16 about a situation where you have 5,000 complaints
17 issued in 1996 and only 279 substantiated, that sounds
18 like something is wrong with the way that's being
19 processed.

20 COMMISSIONER SAFIR: I disagree with you
21 there. When 279 are substantiated, that's because the
22 Civilian Complaint Review Board has made a
23 determination that they believe there is some merit in
24 that 279. They have also made a determination that
25 they don't think there is any merit in the ot hers.

1 MS. TARACIDO: To the other 5,000?

2 COMMISSIONER SAFIR: Right.

3 MS. TARACIDO: So allegations earlier in the
4 day that the process is very slow and that things are
5 not being processed in such a way as to be able to
6 have a finding of non-substantiation versus
7 substantial is incorrect?

8 COMMISSIONER SAFIR: Yes. The problem in
9 the process is once you get a substantiated complaint,
10 once the CCRB makes a determination that something is
11 substantiated, then how quickly it moves from there to
12 us is the problem. They take a very long time in
13 substantiating a complaint and that's something I know
14 that Chairman Barkan is aware of and he has worked
15 very hard to speed that process up. And as you know,
16 the Mayor has provided additional resources to the
17 CCRB to do two things: One, additional money for
18 additional investigators and more importantly,
19 experienced investigators who have law enforcement
20 backgrounds and understand the police.

21 One of the biggest problems that we have had
22 in the Police Department is that when we receive CCRB
23 substantiated complaint, it is often in the past
24 because of the inexperience of the CCRB investigators
25 very deficient in evidentiary material. We would get

1 substantiated complaints that didn't identify the
2 officer, that didn't identify the command, and there
3 was very little that we could do with it. However, in
4 counting, those were still counted as substantiated
5 complaints.

6 MS. TARACIDO: You mentioned a special
7 prosecutor. I was interested in knowing in terms of
8 the kind of cases the special prosecutor actually
9 takes on. My understanding is that it basically deals
10 with corruption issues, not brutality issues. Is that
11 correct?

12 COMMISSIONER SAFIR: It's corruption and
13 brutality; cases that would result in termination.

14 MS. TARACIDO: Do you have any statistics on
15 that, about how many are under consideration?

16 STAFF MEMBER: Under consideration right
17 now, probably about 60 cases. In the past two years
18 the prosecution by the special prosecutor probably
19 resulted in about 60 or 70 police officers being
20 separated from the Department, either after trial or
21 they are forced to resign. Basically, they are
22 presented with the evidence. They see how conclusive
23 it is. Rather than go through the ordeal of the
24 trial, they resign.

25 MR. KHANKAN: Commissioner, thank you for

1 joining us today. All these problems, obviously many
2 of them are a result of lack of knowledge about
3 communities and probably ignorance sometimes. And
4 education seems to be a very important vehicle. The
5 curriculum at the police academy, does it include full
6 courses, not just sensitivity training, full courses
7 to educate the young policemen and policewomen about
8 the new cultures, the new religions that have now
9 expanded the horizon of the American scene, and
10 specifically, New York City?

11 COMMISSIONER SAFIR: It does, certainly not
12 to the extent that I would like to see it, but it does
13 and we have Chief Markman here who could describe it
14 better.

15 CHIEF MARKMAN: What the Academy does is
16 basically give officers an overview of some of the
17 new groups that are immigrating New York City, some of
18 the large groups. As you know, in New York City we
19 probably speak 90 different languages; there are
20 people coming from all over the world, so it's kind of
21 difficult to give each one a history of the culture
22 and religion of each group coming over. We do handle
23 the major groups.

24 It follows up when they leave the Academy to
25 go to the precincts - we just had a class graduate

1 last Friday, 1201 officers graduated from the Academy
2 and they went to the respective commands. They get a
3 three-day orientation in their individual command,
4 that's where they learn the specifics of the groups
5 that live and work within those communities. So the
6 Academy starts them off in a general approach on the
7 major groups that are in New York City and then the
8 precinct, and there are 76 precincts, they follow up
9 then on the specifics of those people that live and
10 work in those communities. It's a three-day course.

11 MR. KHANKAN: A three-day course, it seems
12 to be not important, insignificant when you have such
13 a diversity of different cultures. What are the
14 possibilities of having a full course, not just a
15 three-day sensitivity training, a full course given
16 throughout the academic period of education and what
17 are the possibilities of establishing such courses?

18 CHIEF MARKMAN: You probably have a
19 three-day course in the Academy. You probably have
20 when you take all the different sections we have, the
21 six-month training in the Academy and if you took all
22 the different sections that we teach the officers, it
23 would probably go beyond the three days that you are
24 requesting or even mentioning with all the cultures
25 and the sensitivity training and the courtesy and

1 professionalism.

2 We also give them five days of training on
3 testifying in court and what we did, we actually have
4 a mock trial afterwards and we talk about "testylying"
5 and we spend five days on the integrity of testifying.
6 And if you take the training course and you take the
7 training on the major cultures, the major ethnic
8 groups we have immigrating to New York City, it's way
9 beyond three days in the Academy. Then we follow it
10 up in the precinct again, another three days where
11 they learn about that specific culture in that
12 community. For instance, if you going to the 34th
13 Precinct in Northern Manhattan, you are going to learn
14 the culture of the Dominicans in particular. That's
15 where you are going to have a large Dominican
16 population. When you go to the 5th Precinct you are
17 going to learn about the Chinese that are living there
18 presently, coming from Hong Kong and China proper. So
19 that's what I'm saying about the specifics, of that
20 particular group. But each precinct has major groups.

21 MR. PADILLA: I am very involved with issues
22 related to police\community relations in Rochester,
23 New York and I am aware of how the Department
24 operates. One of the things I discovered was a lot of
25 people cannot distinguish between the Police Review

1 Board and the civil service requirements. And we saw
2 there is a need for educating the public and I'm
3 wondering if you are you doing anything in that area
4 to clarify those things so people could understand
5 better the limitations of the scope of each of those
6 instruments, because we found that there was very
7 serious concern and need to be addressed.

8 COMMISSIONER SAFIR: You're absolutely
9 right. The misunderstanding and the misperception of
10 the public is that once the CCRB substantiates
11 something, then I can just pull a switch and do
12 something to a police officer. That could not be
13 further from the truth. And we have spent a lot of
14 time trying to educate the public to that. However, I
15 will tell you that it is a difficult job. Even the
16 witness who preceded me, who is a lawyer, has
17 difficulty understanding that.

18 MR. PADILLA: Another thing we found was in
19 regards to reporting the incidents, those reports were
20 not many times appropriate or accurate, so therefore
21 was unable for anyone to take action because it was
22 not really appropriate and I wonder if you are doing
23 anything in that area.

24 COMMISSIONER SAFIR: The CCRB itself is
25 doing a lot of public outreach and education and we

1 are doing the same. You are right. Very often we
2 will get a case and we will go to the complainant and
3 say we need you to give us a statement or testify or
4 provide information and very often the complainant is
5 uncooperative and a lot of that has to do with the
6 time issue that you talked about before because
7 something that might have been very important to
8 somebody the day it occurred, fifteen months later is
9 of really no importance to them.

10 MR. HANLEY: I had a question on the
11 testimony you described. I understand that by very
12 nature that you have to have a certain level of
13 confidentiality about your procedures in defining
14 them. But I am curious about the extent to which some
15 of the various commissions and advisory groups, the
16 mayor's Task Force, the Civilian Complaint Review
17 Board have had input on that testing or have access to
18 the test.

19 COMMISSIONER SAFIR: They have access to the
20 results of the tests and we don't consider the results
21 of tests be confidential so that certainly is
22 something they have access to. As far as putting
23 input in, our CPR testing was really devised by our
24 CPR Advisory Committee which is made up of civic
25 leaders and political leaders who gave us the idea and

1 then we had validated that, Columbia University, we
2 asked them to take a look at our testing to see that
3 our scoring of it was in fact valid. And Columbia
4 University has in fact validated that our scoring
5 methods are statistically valid so that we get a
6 proper result.

7 And I should mention as well that beyond our
8 CPR testing, when it comes to criminal force, we do
9 integrity testing in which we'll have our Internal
10 Affairs Bureau target a police officer who may have
11 been accused of excessive force on a numbering of
12 occasions and put one of our undercover Internal
13 Affairs investigators in a situation where he might be
14 the subject of excessive force by one of our police
15 officers so that we could prosecute him as well. This
16 is something we take very seriously and do spend a lot
17 of time with.

18 I should point out that one of the things
19 that we have done is when we put people in the
20 monitoring program, it's not just on substantiated
21 complaints, it's on a number of allegations under the
22 theory, quite honestly, that if somebody has that many
23 complaints, even if they are substantiated, there may
24 be a problem there and we should take a look at it.

25 MS. TARACIDO: I had a question which has to

1 do with both findings of the Knapp Commission and
2 findings of the Mollen Commission. The two things
3 that they both seem to underscore is that there is a
4 "blue wall of silence" and that there is a "them
5 against us" kind of mentality. Many of those can feed
6 into situations in which police abuse can be prevalent
7 and I want to know what, if anything, since the 1972
8 Commission and then 1994 Commission, what has happened
9 to deal with those two issues?

10 COMMISSIONER SAFIR: Those are both very
11 difficult issues and if there was a way to snap your
12 fingers and fix those, Police Departments around the
13 world would have fixed them a long time ago. The fact
14 is that any time you are in an organization that is a
15 military or a paramilitary organization like the
16 Police Department or the military where people's lives
17 depend upon each other, there is a sense to have a
18 bond and a closeness that makes you different than
19 others. That's just reality. Because of that, there
20 is a reluctance on the part of officers to talk about
21 misconduct by others. That's a fact of life. We
22 train our people in the Academy. We re-emphasize it
23 on a regular basis and we discipline people who we
24 find who don't report misconduct and we then find out
25 about it, but we send a very clear message. And in

1 fact one of the themes of the speech that I gave to
2 the graduating class three or four days ago was just
3 that; your responsibility is not only to protect your
4 fellow officer, it is to protect the public and the
5 Department when you see somebody else committing
6 misconduct and to report it. If you don't, you are
7 going to be subject to disciplinary action on your
8 own. And I should say that although I will not
9 suggest that there is no such thing as a blue wall of
10 silence, we have begun to see cracks in the blue wall
11 of silence. Many of the prosecutions of police
12 officers in this city over the last three, four years
13 has been based on the testimony of other police
14 officers and our Action Line gets a lot of calls from
15 police officers providing information on the
16 misconduct of others.

17 MS. TARACIDO: How do you protect the
18 officers who are "blowing the whistle," so to speak?
19 I understand what you are saying; it's a dangerous
20 profession and people are out there on the streets,
21 they have to watch their backs, and they are really
22 concerned about that so you want to be sure that your
23 partner is going to look out for you. But, on the
24 other hand, you don't want to have a police force
25 become a force that is going to be violating people's

1 rights and the person who is going to speak out needs
2 to be protected if they do. So what are you doing
3 about that?

4 COMMISSIONER SAFIR: You can call our Action
5 Line and you can be given a code number and you can do
6 it with anonymity and that's a way of protecting you.
7 If somebody does come forward and is identified we
8 provide them with both actual protection if necessary
9 as well as change in command and we treat them in a
10 manner to make sure that they are protected from any
11 problems.

12 MS. TARACIDO: The Mollen Report talked
13 about if it gets out, it follows them wherever they
14 go. And you are saying that you give them the same
15 confidentiality and protections at this point that
16 were not in place at the time of the Mollen Report?

17 COMMISSIONER SAFIR: Yes, it was done very
18 differently at the time of the Mollen Report.
19 Actually what we are doing is based in many ways on
20 the recommendations of the Mollen Commission.

21 MS. JOHNSON: As a wife of a former NYPD
22 officer, what I would like to ask is perhaps just my
23 perception, but it just seems to me that the police
24 officers look younger and younger. Maybe that is
25 because I am older. I almost want to say to them when

1 I see them on the street, does your mother know you
2 are playing with guns? But I have seemed to notice
3 and I don't know if this is perception or not, that
4 many of the things that you talk about that make the
5 headlines seem to be done by younger officers. What
6 is happening with the younger officers or is it just a
7 reflection of society that weren't happening to the
8 officers when my husband was on the force, because it
9 didn't seem to get out. Maybe it was still happening.

10 COMMISSIONER SAFIR: I think it was
11 happening. Some things were happening as well. One
12 of things that we did was we raised the age for police
13 officers to 22, 60 college credits or two years of
14 military. We look a more mature, more educated
15 officer. But the fact is, if you look historically at
16 the Department, the first seven years of service is
17 when police officers get into trouble at much higher
18 rates.

19 MR. SERPA: Many of our earlier participants
20 recommended, advocated elimination of the 48-hour rule
21 in order to keep balance. Can you tell us why the
22 purpose or benefit for that rule?

23 MR. SAFIR: That's one place where we all
24 agree. The 48-hour rule was something that was
25 negotiated in the contract a number of years ago and I

1 think was a serious mistake. It really impedes our
2 ability to investigate and discipline police officers,
3 probably the biggest bar to our effective use of
4 discipline that exists right now. If somebody commits
5 a crime, they don't get the benefit of the 48-hour
6 rule and certainly police officers who are accused of
7 misconduct should not get that benefit either.

8 I have encouraged the Mayor and the
9 Commissioner of the Officer of Labor Relations to put
10 that on the table as something to be eliminated as
11 quickly as possible. I think it's a horrendous rule.

12 MR. HANLEY: I have a question for Chief
13 Markman. You referred to the five days training that
14 goes to testifying in court?

15 CHIEF MARKMAN: That's correct.

16 MR. HANLEY: You used a nickname?

17 CHIEF MARKMAN: "Testilying."

18 MR. HANLEY: I was afraid that's what you
19 said.

20 CHIEF MARKMAN: The Mollen Commission talked
21 about "testilying." One of the things I should point
22 out, as I take this very seriously, is last December
23 we reaffirmed something that is a basic rule, which is
24 if a police officer testifies in a criminal proceeding
25 or an administrative proceeding and is found to be

1 lying, that he will be automatically dismissed. The
2 reason why we had to reaffirm it is because as a
3 matter of Departmental policy, there was nothing
4 implemented. And in order to actually do it, you had
5 to reaffirm it. Since then we have dismissed quite a
6 number of police officers who have been found to be
7 untruthful and it is a done thing, a done deal. If
8 you are found testifying falsely in an administrative
9 or court proceeding, you are terminated.

10 MR. HANLEY: I thought you were suggesting
11 that was --

12 CHIEF MARKMAN: It was not a course.

13 MR. HANLEY: I though you were suggesting
14 that it was sort of a joke or something.

15 CHIEF MARKMAN: The course is entitled,
16 Excellence in Testimony. Actually, what we have done
17 is we have built a mock courtroom in one of our
18 training facilities where we actually put all of our
19 recruits through mock trials so they really get a
20 sense of what trials are about.

21 MS. TARACIDO: Any more questions? I want
22 to thank you very much for coming.

23 MR. MIRANDA: My name is Anthony Miranda. I
24 am president of the Latino Officers Association of the
25 City of New York. I am also a sergeant in the New

1 York City Police Department. I have been there for 16
2 years. I am going to read the statement and then I
3 am going to address a number of things that the Police
4 Commission spoke about.

5 We can provide you a lot of insight to the
6 information that was given to you in a manner which
7 you will find is not misleading.

8 We appreciate the opportunity to speak here
9 today. We were asked to speak on the issues that the
10 Task Force on police/community Relations addressing.
11 The primary dilemma is the misidentification of the
12 problem as DISCRIMINATION and RACISM within the New
13 York City Police Department. It has and always will
14 be our position that the behavior allowed for fester
15 within the New York City Police Department directly
16 impacts on how police officers behave, enforce the
17 laws, and interact with the community. In addition,
18 the Police Department promotes an atmosphere of
19 silence and fear of retaliation.

20 This committee should take notice that the
21 public as well as police officers are requesting a
22 truly independent review entity with full power to do
23 investigations. The Task Force by its own admission
24 has no power and no purpose. Committee members have
25 publicly stated that they do not represent the

1 communities they were chosen to represent. This Task
2 Force falls short even of the Civilian Complaint
3 Review Board in their effectiveness due to a lack of
4 investigative ability.

5 The condoning of misconduct of police
6 officers from the highest levels of government and the
7 Police Department sends a dangerous message to the
8 rank and file. The message is not simply that their
9 misconduct and criminal behavior will be tolerated,
10 the message is that it is acceptable to abuse and
11 violate the civil rights of individuals. This can be
12 verified by an examination of all the internal
13 disciplinary proceedings taken by the New York City
14 Police Department.

15 If we identify a criminal pattern such as a
16 recent gang activity, we attempt to remove the weapon
17 of choice. The weapon of choice for gangs has been
18 identified as "box cutters" and we have undertaken
19 measures to prevent its accessibility. For the Police
20 Department, who has demonstrated a pattern and
21 practice to discriminate and retaliate, their weapon
22 of choice is the Police Department's Administrative
23 Trial Room, and we must take immediate steps to remove
24 this weapon of choice to prevent further abuses.

25 NYPD's own statistics show unequal treatment

1 of minorities in the NYPD Administrative Trial Room.
 2 In the years from 1980 to 1996, the number of
 3 minorities disciplined within the New York City Police
 4 Department increased disproportionately to their white
 5 counterparts.

6 In the report in 1980, there is a chart and
 7 it will be provided, the end result of all the stats
 8 that were provided is that minority officers are
 9 disciplined four times as likely as their white
 10 counterparts in the New York City Police Department.
 11 This was verified by statistics from NYPD's own
 12 computer system, which they had denied existed up
 13 until the point that we had gained access to it and
 14 publicly published that material. Up until that
 15 point, they had denied that they even kept any such
 16 records detailing this type of information.

17

	BLACK		HISPANIC		
19	YEAR	%of NYPD	%of cases	%of NYPD	%of cases
20	1980	8.6	26.5	4.5	10.1
21	1984	10.2	31.8	8.2	11.4
22	1990	11.1	32.7	11.6	15.4
23	1996	13.7	35.1	16.7	18.5

24

25 In April of 1997, Mayor Giuliani, and Police

1 Commissioner Howard Safir publicly stated that they
2 were going to investigate this alarming trend of
3 discrimination. A task force was set up to do this
4 job and was to come out with a public report within 60
5 days. To this date, no such report exists. This
6 report is four months overdue at this time. The NYPD
7 and the Mayor do not want these alarming statistics
8 out because they know that through the Administrative
9 Trial Room they are committing ethnic and racial
10 cleansing within the New York City Police Department.

11 It should also be noted that a similar study
12 was conducted by this same mayor and then Police
13 Commissioner William Bratton. The study lead nowhere
14 and offered only cosmetic changes within the NYPD's
15 Administrative Trial Room. The Trial Room continued
16 its discriminatory practices even after this revision
17 as is evident with the Department's current
18 statistics.

19 In 1996, minorities comprised only 30.4% of
20 NYPD, but received 53.6% of the discipline. While 69%
21 of NYPD was white, they accounted for 46.4% of the
22 discipline. We have had experts testify regarding
23 Department statistics who indicate that these results
24 could not be random, but are indicative of a pattern
25 of discrimination.

1 The Latino Officers Association will provide,
2 additional statistical data at a later time to bolster
3 the information that we have just provided. We hope
4 this committee can be more effective in bringing about
5 much needed change in the New York City Police
6 Department than other task forces that have been
7 before us.

8 MS. TARACIDO: You indicated you wanted to
9 address some of the issues that were brought up by the
10 Commissioner.

11 SERGEANT MIRANDA: Yes. I am going to go
12 based on how he presented his information to you.

13 One of the things he sought to be proud of
14 is the 70th Precinct. We have a host of difficulties
15 with how he handled the 70th Precinct because the end
16 result was, while it was a travesty of what transpired
17 in that command, they have adversely impacted on
18 minority officers. He forcibly transferred officers
19 into that command, not because of their police skills,
20 but because of the qualifications which he highlighted
21 in the press, that they were African-American, that
22 they were Haitian, they spoke a different dialect or
23 language other than the English language, and none of
24 these are qualifications for becoming New York City
25 police officers. Thus, he has abused his authority.

1 He has discriminated against these people and their
2 "special" characteristics.

3 In the manner in which he addressed the
4 70th Precinct, the only end result would be that, if
5 we have a problem in an Italian neighborhood, are we
6 now going to subject all of our Italian-speaking
7 officers and put them on a bus and ship them to that
8 precinct temporarily? They have a unit that is called
9 Community Affairs and these people are specifically
10 trained to handle this problem. If he felt he needed
11 an influx of officers, then he should have put these
12 officers who are not in uniform back in their uniforms
13 and have them patrol that particular command because
14 of the heightened intensity.

15 What he chose to do was to uproot officers
16 who had established their careers in other precincts.
17 We are talking about changing and forcing individuals
18 to change their lifestyles. Perhaps he was in Queens,
19 Manhattan, the Bronx, closer to his home. Maybe he
20 already had situations situated for his family, but
21 now you are causing a hostile work environment for
22 this individual and when he gets put into that
23 particular precinct where there already exists a
24 problem, he now has his own attitude and his own
25 problems to deal with as a result of the actions taken

1 by the New York City Police Department. We feel that
2 he did not act appropriately in transferring and
3 forcing these officers for their particular specialty
4 without due compensation into the 70th Precinct.

5 He mentions next a heightened selection
6 process where he increased the age to 22 years with
7 two years college. We had a case and we are
8 representing a group of officers that were in the
9 Academy at the time when the passing grade was 70%.
10 They have increased that standard to 75%. We have an
11 individual who received a 74.9% and was still
12 terminated from the Academy. What he basically did
13 was violate these individuals contacts. When they
14 entered that Academy, they came in at a 70% passing
15 grade. Somewhere in the midst of that Academy
16 training, a couple of months into the training, they
17 forced these officers to sign a waiver, under duress,
18 and we have the integrity patrol officer who is
19 directly responsible and has made public statements
20 that he was directly responsible for forcing these
21 officers to sign the waiver under intimidation.

22 It turns out that the group that was
23 affected by this change of academic standard was 50%
24 to 60% black, Hispanic, and female minority groups.
25 So the impact was great on the minority community in

1 terms of his process of recruiting more minorities,
2 but in the back door, he is actually eliminating a
3 greater number.

4 There has been to this date no reports and
5 no basis for either changing the academic standard or
6 changing the educational requirements of the New York
7 City Police Department. There has been no such report
8 to indicate that a person with a two-year college
9 degree or 60 college credits will perform any better
10 than any other police officer without a college
11 degree.

12 And he said that he wants to recruit
13 officers that are more well-rounded, more worldly. He
14 directly took steps to eliminate a large group of
15 officers that were over 35 years of age, professional
16 men and women, predominantly from a military
17 background who would have fit this category of the
18 type of office he is claiming to want to recruit, but
19 they sought and dismissed this whole entire group from
20 the Academy class and they barred them from
21 application. There is currently a lawsuit against the
22 Department in litigation right now. Yet, if you are
23 telling me you want that type of person, and now you
24 are telling me that you eliminated them quietly. So
25 it is contradictory to what he is putting out here in

1 front of you.

2 He said there was a five point residency
3 program. This program doesn't go far enough. While
4 'it' does encourage people to apply for the job, it does
5 not maintain the higher rank levels, because now if
6 you look at the people from captain and above who run
7 this Department, 95% of them do not live within the
8 five boroughs. That is not a reflection of the five
9 point residency. If we want to make it an effective
10 program, it should be five points throughout the rank
11 structure; as you get promoted, if you live within the
12 five boroughs, you keep five points and you get an
13 extra five points, thus, we can promote the
14 recruitment and the retainment of New York City
15 residents, as opposed to residents who are going to
16 flee the city.

17 He has corrected many of his statements here
18 that he has corrected at the City Council meeting
19 because we were there also. He highlighted a fact
20 that 19% of the population of the Academy was screened
21 out psychologically. What he didn't tell you was that
22 in that 19%, when he made that presentation to the
23 City Council, he highlighted the fact that there were
24 so many minorities eliminated in that group. That 19%
25 that he is quoting to you is the overall average. In

1 other words, if there is 5,000 people who actually
2 applied, that's how they get such a low percentage in
3 the 19%.

4 He did not describe and he has not tried to
5 describe what the individual impact on individual
6 minority communities are. And this was the example
7 that get we gave for clarification in the City
8 Council: If only two Asians that applied to the New
9 York City Police Department, and they are the two that
10 have been eliminated in the psychological screening,
11 it will still show a small percentage overall. But
12 the impact on the Asian-American community is 100%;
13 100% elimination from the ranks of New York City
14 police officers. That is the statistic that he does
15 not want to give out because when we did the same
16 thing within the minority community, we did that
17 comparison, the impact was greater than 50%.

18 They tried to hide behind the psychological
19 screening. I take this psychological screening once
20 step further, and this is another thing that we are
21 advocating at this time. They are potentially
22 identifying a "dangerous" portion of our community.
23 They are saying that there is something
24 psychologically wrong with them. They have taken no
25 steps to provide any type of counselling, or further,

1 services for these individuals. So they are basically
2 saying, I have identified potentially a psychopath and
3 I put him back out on the street to commit some crime,
4 but not to get any type of care. They have not, when
5 they screen out these officers psychologically, they
6 do not tell them what their psychological problem is.
7 You have just simply been failed psychologically.
8 They do not identify a particular aspect of where you
9 need improvement or where you should be seeking help.
10 They fail to do that.

11 The major things that he said was there was
12 a 25% decrease in shots fired. He likes statistics.
13 What he didn't tell you is that when you do these
14 numbers that he is comparing, the crime rate has also
15 dropped, by their own statements, better than 70% in
16 some areas. So you are talking about a 70% drop in
17 crime and you are only talking about a 25% decrease in
18 shots fired, then it's not proportional. The
19 statistics are misleading. Then you should have had
20 shots fired should have decreased as much as the crime
21 rate if you want to be effective.

22 He mentioned city-wide CPR training where
23 11,400 officers have received training. City-wide
24 CPR, you put 50 or 60 cops in a room, they have not
25 had adequate community attendance, they have had two

1 to five community people inside these rooms and these
2 people have been abused by the officers' presence, to
3 the point that they do not come back. They cannot
4 find enough community people to uplift from their
5 particular communities and bring them to another area
6 to do CPR training.

7 CPR training, if it was supposed to be
8 effective, would be done directly in those
9 neighborhoods where these community people, instead of
10 making a parent leave their neighborhood and
11 protecting their children and so forth, to come to
12 another neighborhood to do the CPR training. Every
13 one of these housing developments have community
14 rooms. They could have had CPR right in that
15 community and room for those police officers and that
16 would have been much more effective. The ratio should
17 have been entirely different. As opposed to putting
18 five individual civilians in a room with 50 to 60
19 police officers, and subjecting them to that type of
20 mental abuse, they should have put five police
21 officers in a room with 50 to 60 civilians and had
22 them handle themselves.

23 The majority of the individuals who are
24 attending the CPR training are not the community which
25 you need to be targeting. They are people who are

1 active in the community school boards, active in the
2 community council of the precinct, so they are not the
3 individuals that we are supposed to be targeting; they
4 think highly of police officers before they walk into
5 the door. They make think second things about them
6 when they walk out of that training, but when they
7 walked in there, they were supporters of police
8 officers, and that's not our target population.

9 He said the civilians have dropped. What he
10 didn't tell you about civilian complaints dropping is
11 that now when an individual comes into a precinct,
12 they automatically go to a lieutenant. If the
13 lieutenant can't resolve it, they go to the captain.
14 If the captain can't resolve it, or the SO, it goes to
15 the CO and they deal directly with them. If you have
16 dealt with a person on that level, the supervisor,
17 then that civilian complaint is not going to go to the
18 next level any longer because they are going to be
19 pacified at that level, "We are going to take care of
20 it. Don't you worry, we will handle it." But they
21 don't tell you that part, that in the precincts they
22 are being screened. And 90% of these people, people
23 have stopped walking into the commands to file
24 civilian complaints because another percentage of them
25 are intimidated just to walk into precincts. So you

1 can't say, well, we have it accessible, they can walk
2 into any command.

3 The integrity test would be to send a
4 regular civilian in and have them go in there and say
5 I want to file a civilian complaint and test that
6 reaction. They did an integrity test in my command.
7 I walked in. I work in East New York in a
8 predominantly African-American community. I walked
9 into the command, there was a male white about six
10 foot two, wearing jeans, glasses in pocket of his
11 shirt. I don't know where he dropped in from, but he
12 wasn't from the community and the officers knew.
13 Therefore the test was ineffective. All the people
14 who work in a particular neighborhood are going to
15 know the residents. They are going to know who is not
16 supposed to be there, so this is not a valid test to
17 see whether they are effective or not.

18 The training that he is giving where he
19 says, verbal judo, Intac, Safety and Survival. I
20 would beg you to go look at what they called this
21 training two years ago. The titles of this training
22 and the fact that they changed it is even more
23 aggressive, "verbal judo." Before it had a different
24 title; it was community relations. It was something
25 more passive. Even in the titles of this training

1 they are teaching them aggression.

2 We spoke out on the Intac training which
3 teaches officers how to use several pressure points
4 and different maneuvers. Well, when they weren't
5 trained, they left traces of police brutality. Now
6 you are training an individual on how not to leave
7 traces. What we are saying, while the training is
8 effective for safety, it does not screen out the
9 officer who is already inclined for abuse. The
10 officer who is already going to be abusive, you have
11 now taught him more advanced techniques on how not to
12 show that he is being abusive. And we have spoken out
13 about that. Again, they haven't changed any of those
14 tactics.

15 He mentioned about officers being dismissed,
16 another very cute term that they used inside here was
17 "officers separated from the Department." What they
18 don't tell you what they mean by "separation" is the
19 number of cases that you would have, and we will
20 definitely provide you with some material, are
21 officers who have been convicted criminals who are
22 facing criminal charges and have been allowed to vest
23 out, maintain their pensions and leave.
24 Unfortunately, they are not predominantly minority
25 officers. These are PBA representatives, officers who

1 have "phone calls," as they say, and they secure their
2 jobs. These officers should have been put in jail.

3 When we start looking at statistics and how
4 they impact on our community or the minority police
5 officers, we suffer the greatest. He wants more power
6 to discipline. He has the greatest power available,
7 the power to terminate. And when he negotiates his
8 contract, and this is another thing that comes out of
9 the City Council hearings, in negotiation there is no
10 longer a contract. He is no longer limited to what he
11 can impose. As he says, "I only have 30 days."
12 That's a fallacy because once you negotiate plea,
13 there is not contract. He can impose any penalty that
14 he chooses and has. He has given officers a year's
15 probation, 60 days termination, 45 days, 75 days, all
16 on the record. And he wants more power. The ultimate
17 power is that of termination and he has that. And
18 through negotiation, he has all the other things that
19 he wants to get in between.

20 Reluctance to talk about misconduct; we
21 mentioned that. He highlighted that he wanted to have
22 officers come out and speak about police brutality,
23 come out and speak about something you've seen. Daisy
24 Boyer (phonetic) is the case that we highlight the
25 most because it had a large profile, the Livoti case.

1 She was a female Hispanic police officer who spoke out
2 from the first day of what transpired at that
3 incident. She has suffered a nervous breakdown based
4 on what the Department has put her through. They have
5 not to this day given her an award for her bravery in
6 speaking out, for the attack that she took at the
7 precinct level and the fact that she still, to this
8 day, walks around with a vest while she is off duty
9 and she has no Police Department protection.

10 But in this other case, this most recent
11 case where you have the 70th Precinct, they chose to
12 highlight another officer. It turns out that this
13 officer is a male white, fits the profile, in his late
14 twenties. This is what they want to highlight as the
15 typical police officer. It couldn't be a female
16 Hispanic because that would not meet the profile. A
17 male white, we can do that. And the circumstances are
18 totally different. This individual went home and a
19 week later he claims to have a consciousness
20 awakening. What he had was a threat of a federal
21 investigation and that's what forced him to come
22 forward. It wasn't the Department's investigation, it
23 was the federal probe that prompted him to come
24 forward. And then they are going to highlight this
25 individual and give him an award as being the best

1 police officer. This is the guy we want to promote,
2 the guy who took a week to make up his mind whether he
3 wanted to tell the truth or not tell the truth. We
4 have a problem with all of that.

5 He mentioned the force monitoring program.
6 I have a book here and a number of numbers and I hope
7 I can get you to get this for the Commission, but
8 inside here, again, these force monitoring programs,
9 resisting arrest change program. It's nice to have
10 all these programs, but unfortunately 90% of police
11 officers on this job are not even aware that these
12 programs exist for monitoring. Part of the deterrent
13 has to be that these officers know that they are being
14 monitored. That is the greatest impact and deterrent.
15 Police officers don't know any of these programs.

16 Francis Livoti was on this special
17 monitoring program. And in this book it happens to
18 highlight all his cases going back to 1984, yet he
19 survived, yet he continued and they went on until 1994
20 and is still going on, incidents with this individual
21 being on a program with a sergeant sitting next to
22 him.

23 Promoting of sergeants does not fit the task
24 of what they want to do because the mentality has not
25 changed. If you are promoting one of the good old

1 boys, and he is a sergeant or lieutenant or captain,
2 it has the same impact as not promoting them at all
3 because they don't see it. Supervisors are not
4 encouraged to come forward either. Supervisors are
5 encouraged to maintain the status quo, and if you
6 speak out, you will suffer the wrath of the
7 Department.

8 I have a list here that provides you with
9 cases and directly with some assaults on prisoners.
10 They have the names and reviewed the cases by the
11 Department. One person received 10 days, another 5
12 days, another one 30 days, another one had 30 days and
13 a year's probation. Another one 30 days. Another had
14 30 days and a year's probation, another one 10 days,
15 another one 15 days. And there are a number of other
16 cases here.

17 Our basic problem with the disciplinary
18 system is there is no consistency in how they
19 discipline officers. You cannot send a clear message
20 if the message if the message within the Department is
21 so cloudy. If I have a "phone call," I don't get
22 disciplined. If I know someone, I don't get
23 disciplined. They have no standards.

24 We are advocating that when the officers get
25 disciplined, they should be removed from their

1 responsibilities. They have an agency, it's called
2 the Office of Administrative Trials and Hearings and
3 it was their sole duty and responsibility by city
4 charter to investigate administrative trials for all
5 city agencies, including NYPD, but NYPD separated
6 somewhere along the line and that separation created a
7 bastardized process whereby they protect and take care
8 of individuals and they hurt others. That is their
9 method and their weapon to intimidate and abuse police
10 officers. And minority officers are most greatly
11 impacted in that system. And we have proved that time
12 and time again with the discipline.

13 The last thing I want to mention is what he
14 mentioned here at the end about the new policy to
15 terminate officers who are lying. Well, in order to
16 terminate an officer for lying, you first have to
17 charge them with that charge. They decide who gets
18 charged with lying and who does not. That gives them
19 a lot of leeway. So if I forgot to charge a
20 particular officer for lying, thus, he doesn't get
21 terminated. Thus, the person is taken care of.

22 We have a number of cases of officers who
23 are caught lying and filing false accusatory
24 instruments where even the Police Commissioner
25 recently signed off on one case and said that the

1 officers obviously made a mistake because it was four
2 years old and he gave them 10 days. Ten days.
3 Whereas another officer, and he had to be a minority,
4 black, testified in court, and once sentence was
5 incorrect and his case has been six years old, six
6 years afterwards and they interrogated him and they
7 charged him and that officer was terminated.

8 If you want to examine and see how bad this
9 system truly is, you will get from these guys the
10 statistics of their own trial room, which they claim
11 they don't have and break it down on ethnicity and how
12 it impacts on women, how it impacts on blacks and
13 Hispanics, because those numbers they don't put
14 together for you and they will give you something. We
15 will be more than willing to assist you in examining
16 any statistics that they may provide for you.

17 Women also were one of the things that we
18 highlighted when we first exposed the trial room
19 because women were adversely impacted almost like 30%
20 and they do not constitute 30% of the job, but yet
21 they were disciplined more harshly than everybody
22 else.

23 MS. TARACIDO: You have given us an enormous
24 amount of information and I'm surprised you're still
25 alive. Let's start with a question from the panel.

1 MS. HARDY: Thank you, Officer Miranda.
2 For this question I just wanted some clarification,
3 are you still on the force?

4 SERGEANT MIRANDA: I'm a sergeant in East
5 New York and I am still working on the street.

6 MS. HARDY: I do commend your
7 forthrightness. The Latino Officers Association,
8 recently I heard about another officers association
9 comprising Latinos. Are there two?

10 SERGEANT MIRANDA: There are two
11 organizations. Our organization is a Latino Officers
12 Association. We were created in January of 1996 and
13 we have not been recognized by the New York City
14 Police Department simply because we have been more
15 vocal. We have filed over 200 equal employment
16 opportunity complaints against the New York City
17 Police Department on behalf of officers and community
18 residents. So we are advocating for a change. We are
19 advocating for representing not only police officers
20 but the community as well. In that light, they have
21 chosen not to recognize us. We are currently in
22 federal court just over the recognition issue.

23 MS. HARDY: What is the name of the other
24 Latino officers association?

25 SERGEANT MIRANDA: There is an organization

1 that in history they called the Hispanic Society. Our
2 basic premise is that when we came into existence, we
3 took all the membership of the New York City Police
4 Department. We now also represent 19 other law
5 enforcement agencies throughout New York State. We
6 are currently also expanding past state lines into New
7 Jersey, Connecticut. We have ties in Washington and
8 Virginia at this time. We are going down to Florida
9 and California. So we are uniting law enforcement
10 agencies through the states at the same time.

11 The New York City Police Department has
12 again not chosen to recognize us because we happen to
13 be the most vocal group and we don't sit by idly when
14 they hurt anyone, officers or the community residents.

15 MR. HANLEY: Obviously you have given this
16 type of statement before. What type of repercussions
17 do you live with?

18 SERGEANT MIRANDA: We are also taking it
19 into court again because in federal court the same
20 individuals that sat here, this entourage that comes
21 in all the time, indicated in federal court that there
22 was no active investigations against this association
23 or any member our board. We now know that to be a
24 fallacy. I have at least five investigations
25 currently active on myself. The organization has been

1 investigated. We have not been able to give a
2 function without Internal Affairs or NYPD personnel
3 monitoring our activities. They have chosen to try to
4 intimidate the members from coming forward and in fact
5 what they have done is increased our membership two
6 fold by their activities.

7 He mentioned the special prosecutor. What
8 he didn't also mention to you about what the special
9 prosecutor's role is - and they adequately left that
10 out - you should have asked them whether their special
11 prosecutor is currently investigating our association.
12 Because the special prosecutor also targets
13 high-profile cases. I guess we have now been
14 categorized as high-profile.

15 OFFICER ESPINAL: The only thing that I
16 would like to say is that I came in help out this
17 organization and just to give you some of the cases
18 that I have encountered have been a female that found
19 out that she was pregnant in the Academy after two
20 months. She was instructed by a lieutenant and
21 encouraged to have an abortion. When she refused and
22 went out to have the baby and she came back, she had a
23 C-section and she was forced to do the same exercises
24 and everybody else was doing already. When you have a
25 C-section, your body takes time to heal. To make a

1 long story short, she was held over for the run, for
2 the Christmas detail. In February she was supposed to
3 do the run with everybody and she was ready, willing
4 and able and they denied her to the opportunity,
5 number one, to do the run and on top of that they
6 fired her. And up to this day, if you talk to her,
7 she is very emotional, she is very depressed, she is
8 going through a lot of changes.

9 The other thing is, in the psychological
10 evaluation, in the processing, there are no minority
11 psychologists. That is the reality. There is none.
12 In five minutes they tell you that there is something
13 wrong with you and they throw you out. There is an
14 appeal process and even if you go out and spend your
15 money and get an independent evaluation and a doctor
16 says that there is nothing wrong with you -- because
17 they never specify what is wrong with you -- in five
18 minutes they make a determination.

19 SERGEANT MIRANDA: They should mention that
20 with the psychologists, they currently use one
21 psychologist to disqualify members of the New York
22 City Police Department who is not even licensed to
23 operate in New York, he is licensed in New Jersey and
24 has terminated hundreds of officers.

25 OFFICER ESPINAL: What happens is when you

1 go to the psychological evaluation and you come back
2 with a valid psychological evaluation that takes three
3 or four hours, and they say that they stand by that
4 decision and they are still not going to give you the
5 job.

6 The other thing is on the terminations, this
7 list, if you get locked up, you get charged
8 criminally. Some of these officers got charged
9 criminally and they were found guilty in the trial
10 room and they are still there, 10 days, sexual
11 harassment, hostile work environment, posted racial
12 signs, and retaliated against the officers that report
13 them.

14 In the Academy they raised the standards,
15 like he told you. They don't tell you the average you
16 the average, the number of people that makes
17 provisional. Because you might get hired, but that
18 doesn't mean that you are going to make provisional.
19 Then you have detectives here with now procedure.
20 They don't have a policy for that. It's who you know
21 and the "phone calls."

22 So you find qualified people white, black,
23 Hispanic, that don't get it because they just don't
24 know the right people and they have three grades,
25 third, second, and first, and they just give it at

1 will. A second grade makes sergeant's pay and third
2 grade makes lieutenant's pay. In the history of the
3 Police Department no Hispanic has been above the rank
4 of Assistant Chief. And we have one that was in there
5 that was in charge of PC office, in charge of the
6 Borough of Bronx, Rafael Piniero, he is also an
7 attorney. We have qualified people. Whether you are
8 black, Hispanic or white, whether you qualify or not,
9 you should get the position, and this is not the case
10 here.

11 MS. TARACIDO: Are you a police officer
12 also?

13 OFFICER ESPINAL: Yes, and I work in
14 Washington, D.C.

15 MR. MIRANDA: I just wanted to add also, two
16 things that he said, he said Chief Markman, you should
17 ask him about his in-house disqualifiers which he has
18 testified to in a City Council hearing. He has his
19 own method of disqualification. If you have three
20 moving violations, if there is some break in your
21 background where you are not in school or working,
22 that is considered a disqualifier and for residents in
23 the city where you don't necessarily have to go to
24 school, you might be staying home with your parents,
25 that can present a problem if you don't show

1 employment or you are not going to school, that's a
2 disqualifier for him.

3 The Police Commissioner also testified in
4 the City Council hearing that he is charging officers
5 in the trial room without having any evidence to
6 prosecute so that he can beat the statute of
7 limitations when it comes to civilian complaints.
8 That is an abuse of authority. We already asked the
9 City Council to take some corrective action because he
10 had openly admitted that he is doing this and they
11 have yet to take any action against him.

12 He spoke about this code number for the
13 officers when you asked him a question about the blue
14 wall of silence. This is how it works: I call IAD,
15 they give me a code number when I want to say that
16 Officer Johnson sitting next to me just committed a
17 crime, give me code number. My code number is 1234.
18 You conduct an investigation into Officer Johnson.
19 You ultimately have to come and question me. If I
20 lie, I'm fired. So you ultimately are going to find
21 out my identity. So this program does not serve the
22 purpose of maintaining the confidentiality of any
23 individual because he has to come forward. The only
24 way for me to testify that an officer has committed a
25 crime or is doing some misconduct means that I have to

1 be present. And if they are going to conduct a
2 thorough investigation after the incident, then
3 obviously they are going to be questioning me as one
4 of those individuals. And if I don't tell them code
5 number such and such, it means my identity is now
6 revealed and I lie on the GO-15 and say I didn't see
7 anything, then I'll be terminated. So either way I
8 would be losing.

9 Most of these programs are very good on
10 paper. They are totally ineffective in practice and
11 in reality. He deals with numbers. He deals with
12 paper. He does not deal with how it functions out in
13 the street.

14 MS. TARACIDO: In terms of your own sense of
15 safety, you are a very vocal person - you are both
16 very vocal persons and you have a situation in which,
17 at least from the report that I have read, the Mollen
18 Report, it sounds like it's a very dangerous place to
19 be if you are a police officer.

20 SERGEANT MIRANDA: Every member on our board
21 except maybe two is currently being investigated by
22 the New York City Police Department. That is not by
23 chance that every one of us are being investigated.
24 Every one of us are being hassled at our particular
25 precincts; extra scrutiny in supervision; followed on

1 duty and off duty. There have been threats on our
2 hotline phone number to our organization that we need
3 to be careful of what we are doing. We feel that if
4 we stay out there long enough, we are the majority of
5 officers. There are just so many that sit on the
6 fence and don't have a direction to go into because
7 the Department is such an intimidating entity and we
8 hope to be a formidable opponent and advocate that
9 officers should come forward. And they feel a lot of
10 comfort coming into our organization and that is how
11 we have been able to get a lot of information.

12 MS. TARACIDO: Are there any questions?
13 Okay. Thank you very much. We appreciate the
14 information.

15 Mr. Barkan, it is so late in the day and I
16 apologize. How long have you been in this position?

17 MR. BARKAN: Since early July of 1996, so
18 it's been about 15 months.

19 MS. TARACIDO: What kind of staff do you
20 have? How many people on staff?

21 MR. BARKAN: Right now we have, I think,
22 about 124. And Gene Lopez is here, he will correct me
23 if I'm off by a point or two somewhere along the line,
24 which I may be. We have a budgeted head count of 128
25 right now and roughly 24 on staff. Right now there

1 are 84 investigators at the budgeted head count of 87
2 and expect to hire two more.

3 What the Mayor has done in the last month
4 that you may have read about as a result of the
5 Mayoral Task Force recommendations as well,
6 recommendations from the CCRB, add 16 senior
7 investigators with law enforcement experience to the
8 budget. We are in the process of reviewing resumes
9 right now, over and above that. So it would bring it
10 to a head count of about 103 investigators.

11 MS. TARACIDO: What is the breakdown
12 ethnically and racially?

13 MR. BARKAN: Of investigators, we are
14 roughly 65% minority investigators.

15 MS. TARACIDO: In that minority are you
16 talking about females?

17 MR. BARKAN: No, I don't think I'm talking
18 female.

19 MR. LOPEZ: The predominant number of
20 investigators are women.

21 MR. BARKAN: I think that more than half are
22 women and of the 84, 60 to 65% are minorities. There
23 is obviously and overlap.

24 MS. JOHNSON: How many black and Latino
25 women do you have?

1 MR. BARKAN: I don't know, but I can get it
2 to you.

3 MS. TARACIDO: One of the complaints that we
4 heard earlier today, I don't think you were here for
5 that, is how slow the process is. What are you doing
6 to expedite the process?

7 MR. BARKAN: It's dealt with in my formal
8 presentation, but over the last 15 months since I have
9 been on, and actually started a little bit before,
10 one, the head count problem is very real. The
11 investigators on staff averaged about in the 50's
12 rather than to the budgeted head count of 87. The
13 agency was formed a little over four years ago. It
14 had an existing case load and the agency was formed at
15 a time when it was surrounded by a lot of opposition
16 from the Police Department and there was a great
17 influx and outflux of new investigators and old
18 investigators and not an enormous amount of
19 collaboration at the outset, so at the outset there
20 was a very large backlog that was built in, not only
21 inherited but in the first months. It was not dealt
22 with by the administrators that come on afterwards.
23 They didn't hire up. They paid attention to the very
24 high-profile cases to the exclusion of the many more
25 discourtesy and abuse of authority - what we would

1 characterize as minor force cases. And basically the
2 backlog got exacerbated and when Gene Lopez came on,
3 it was a very serious backlog. He came on a few
4 months before me.

5 What we have done, to give you some idea,
6 statistically, we have 3,400 or so cases at December
7 31 of last year. We are now down to about 2,000
8 cases. Most of those cases are in the "old" category.
9 I have the statistics in here. We are down to 250
10 cases over 12 months approximately, where we had
11 something like 2,500 cases over 12 months, if my
12 recollection is correct, at the outset.

13 We have been accused of putting
14 inexperienced investigators on staff. And to a degree
15 that's true, but our inexperienced investigators have
16 all high grades from Harvard, Yale, Columbia, Vassar,
17 Cornell.

18 MS. JOHNSON: Do they teach courses in
19 investigation?

20 MR. BARKAN: We have to train them. But
21 what I'm trying to say is that when you are dealing
22 with minorities, a lot of those people in the
23 investigators staff not only have high grades but they
24 are kind of familiar with the streets themselves.
25 Many of them do come out of some street environment

1 places. What we try to do is create a "hot" job with
2 college graduates to investigate cops. And I think to
3 deal with that we had to deal with it quickly. That
4 was the best strategy that we could come up within our
5 budgetary constraints. We had a decent compliment of
6 some experienced investigators that have been with he
7 agency for years, so it wasn't entirely inexperienced.
8 Those people who do the pure administration of the
9 agency at its inception really had not been trained in
10 supervision so that Mr. Lopez had a real task of
11 imposing a supervisory structure on the agency as
12 well. So when the Police Commissioner says there was
13 a backlog and other people tell you that it is very
14 slow, that's absolutely true. We have been dealing
15 with cases that have been going over there 15 months
16 after the event routinely. If somebody files a
17 complaint today, they can expect us to determine that
18 complaint within eight months. Right now we are
19 getting better.

20 MR. LOPEZ: I think a good exposition on
21 this subject was found in they latest summary report
22 which was published on the 30th of September on pages
23 15 through 24 and there is a chart on page 95 that
24 demonstrates the improvement in our ability to be more
25 timely in our investigations over these six months

1 periods of time, most recent being the January '97
2 through June '97, in which the average case was
3 resolved, a greater number of cases were resolved at
4 the eight-month period compared to 12 months in the
5 last six months of '96 and 17 months in the first half
6 of '96. Incidentally, I came on board in
7 mid-February, '96.

8 MS. TARACIDO: What is your position?

9 MR. LOPEZ: I'm executive director.

10 MR. BARKAN: And I'm the chairman.

11 MS. TARACIDO: Do you think complaints are
12 down because there are not problems out there or for
13 some other reason?

14 MR. LOPEZ: You are into probably the
15 unknowable, to tell you the truth. It is very
16 difficult to criticize anybody for trying to do
17 better and I believe that the CPR program is a genuine
18 effort to do better. The COMPSTAT role of dealing
19 with civilian complaints is a genuine effort to do
20 better. It is very difficult to tell, it's impossible
21 to tell why complaints go up and why complaints go
22 down. We did hear from a couple of sources about
23 whether or not complaints are being appropriately
24 dealt with at the precinct level. There has been a
25 great decline in complaints reported at the precinct

1 level. On the other hand, we have an 800 number
2 that's real easy to get and we take complaints over
3 the telephone.

4 It's also hard to criticize the Police
5 Department if somebody who has a complaint comes in
6 and deals with the lieutenant, deals with a captain,
7 deals with a commanding officer, if that's an
8 inadequate way of handling a civilian complaint if the
9 complainant walks away. That can either be a
10 runaround or it can be a real good way of handling the
11 complaint. I don't know the answer to that.

12 MR. LOPEZ: In addition, the agency has been
13 a lot more aggressive in its outreach efforts for the
14 first six months of this year and a lot happened in
15 '96 than there had been in the prior 12-month period.
16 The first six months of this year I think we have gone
17 to 51 community meetings, but more importantly, we
18 have also published and arranged to have public
19 service announcements broadcast on television as well
20 as on Spanish language television as well in an effort
21 to make people aware that there is a forum to which
22 they can make complaints. We have a 24-hour hotline
23 number where we receive complaints and we are
24 aggressive in having people come in and make their
25 initial statement to us. We beefed up our efforts to

1 encourage more people to stay with the complaint
2 process than we had in the past.

3 MS. TARACIDO: What about the allegations of
4 the Commissioner which were around this question of
5 what happens in your process in his saying that there
6 are some due process issues that require them to go
7 into much greater depth than you could do?

8 MR. BARKAN: If we did a good investigation,
9 as we think we are doing now and as we think we will
10 in the very near future, and continue to do and
11 continue to improve, hopefully we will be turning over
12 cases to the Commissioner that have been substantiated
13 much earlier with much better investigations.

14 To give you an idea, before Mr. Lopez got
15 there, there was a kind of a checklist decision that
16 went over that required the Police Department really
17 to review everything without a great deal of help from
18 this board, so a substantiated case would come over
19 without the form checklist with the decision with
20 various categories that may or may not apply to the
21 infinite number of situations that are now in the
22 nature of opinions that summarize the facts, where
23 appropriate, might deal with some legal questions
24 without imposing on police in street encounters and in
25 all respects should be able to make the Police

1 Commissioner and his people deal with our work product
2 in a much more rational way than the Police
3 Commissioner was able to deal with in the past.

4 So we generally credit the criticism that
5 have been leveled against it and at the same time we
6 say that they don't really pertain to the situation in
7 the agency right now. In fact, in the wake of the
8 Louima incident, we went out to the church groups and
9 the clergymen in the 70th Precinct to see what we
10 could do to be helpful I think, in this situation and
11 we met with, I guess, 14 clergymen in that area and we
12 met them at the Dutch Reform Church in Flatbush and we
13 had a number of them come back to our quarters and we
14 spent three or four hours with them. We gave them a
15 tour. We showed them what we did and we had questions
16 and answers with our investigators and at the end of
17 that, one of the clergymen who is a priest at Holy
18 Cross Church looked up and said I want to thank you
19 for having us and I think that your agency is one of
20 the most unfairly maligned in the city at this point.

21 The criticisms that have been leveled
22 against us I think are true. To a degree they are
23 recent history and don't pertain to what we are doing
24 today.

25 MS. TARACIDO: You mean prior history?

1 MR. LOPEZ: Yes, prior recent history. We
2 have been engaged in a crash program to incorporate
3 this.

4 MS. TARACIDO: Do you have subpoena power?

5 MR. BARKAN: Yes, we do. Even if you ask
6 Normal Siegal, I think he believes that the end
7 discipline should reside with the Police Commissioner
8 in connection with a paramilitary organization. If
9 you asked him that question, I think you would get
10 that answer. And I think the toothlessness that you
11 hear about is the fact that we are really an
12 investigatory and recommendation agency as
13 distinguished from imposing discipline. My personal
14 feeling is that in a paramilitary organization, the
15 commander should have the ability to discipline.

16 MS. TARACIDO: Do you agree with Mr. Miranda
17 that he has more power than he is owning up to?

18 MR. BARKAN: Who has more power?

19 MS. TARACIDO: The Commissioner, in terms of
20 disciplinary.

21 MR. BARKAN: He can't terminate an officer
22 without an administrative trial.

23 MS. TARACIDO: So the question really is
24 that your process has to be sufficient in order for
25 them to be able to go forward.

1 MR. BARKAN: Quickly.

2 MS. TARACIDO: That can serve as a basis of
3 going forward?

4 MR. BARKAN: Yes.

5 MR. LOPEZ: And the evidence that we gather
6 is then subject to the due process requirements which
7 include cross-examination and the right to his own
8 evidence on one's own behalf, just as any other person
9 charged with an infraction has the same right.

10 MR. BARKAN: You can analogize us in a
11 fashion, not quite wholly, but similar to a Grand Jury
12 process. We come out with basically something that
13 says, "Yes, we believe that this case is substantiated
14 and you now have to go forward and try it."

15 MS. TARACIDO: Is it your sense that now the
16 process can be speeded (sic) up?

17 MR. BARKAN: Should be, yes. In fairness to
18 the Police Commissioner, what we have done, and they
19 are in the process of doing, is transferring our
20 backlog to him. And he has beefed up his CCRB staff.
21 I think he has doubled the number of lawyers in the
22 last couple of months to deal with that did. Our goal
23 is to get better. We actually think that right now
24 our work product is worthy of respect from the Police
25 Commissioner.

1 MR. LOPEZ: One of the attributes that we
2 find attractive about people who we recruit is their
3 ability to engage in critical thinking and analysis
4 and to express in written form in a cogent way their
5 reasons for coming to a conclusion and backing those
6 conclusions up with factual narratives that are
7 accurate and are fair in the way they were arrived at.
8 As Mr. Barkan indicated, the process of having to
9 explain yourself of why you have come to a certain
10 conclusion is very important in talking to the Board
11 when they exercise their willful authority in
12 reviewing the case and making determinations and in
13 talking to the Police Department when they review the
14 case.

15 In the past there was a checklist or a menu
16 system which sought to describe why one would be found
17 credible or not credible. That's not a substitute for
18 a thoughtful, incisive, and cogent analysis that is
19 based on reason and fact. And that's one of the major
20 quantitative changes that we have made in addition to
21 making the process much, much more timely than it had
22 been in the past. We also have imposed in a sense
23 disciplinary supervision as a way of getting things
24 done in a more timely way and a more thorough way than
25 ever before. I think they are now assigned from the

1 inception of the investigation to the conclusion. I
2 isolates responsibility and accountability for the
3 investigations and it permits people to have a theory
4 of a case from beginning to end rather than having a
5 partial view of what people say to perhaps three or
6 four different investigators as it was in the past.

7 MR. BARKAN: We have a mediation program
8 that is statutorily mandated that has never really
9 gotten off the ground. We have emphasized it. We
10 have negotiated with the Police Department. The
11 Police Department is about to come out with an order
12 with respect to mediation and we have had two
13 successful mediations, one on each of the last two
14 months, despite that the fact that the PBA - and I'm
15 sorry that Mr. Matarazzo apparently did not attend
16 this - the atmosphere which is non-judgmental and
17 confidential, where the police officer in discourtesy
18 cases and abuse cases and to some degree minor force
19 cases can sit down with the complainant, with one or
20 two trained mediators who have been trained by the
21 Police Department and some of these clergymen have
22 volunteered to participate, is really a potentially
23 wonderful program, not only to resolve disputes in a
24 way that is satisfactory to both sides, but also to
25 train officers in an environment that allows them to

1 express themselves, which I am sure you have heard the
2 degree of stress. The fact that an officer can sit
3 down with somebody that has complained against him,
4 and most of those complaints come out of the minority
5 community, 75% of those complaints come out of the
6 black and Hispanic community where they are heavily
7 policed - where they can talk to each other is a
8 wonderful training. We can do that for 500 to 1,000
9 police officers a year. We would be equipped to do
10 that. I can't conceive a better trend or a better way
11 for the police officer to get used to telling the
12 truth, fully at the CCRB because we face the blue wall
13 of silence and it is certainly harder for us to crack
14 than it is for the Police Department to crack it in
15 the context of a criminal case. I think that it's a
16 potentially wonderful program. If you folks can do
17 anything - bat the police union over the head - to try
18 to get them to support this rather than just sit by
19 idly with their delegates taking no position.

20 MS. JOHNSON: Attach money to it.

21 MR. BARKAN: It's a non-money issue. On the
22 other hand, it's not going anywhere. On the other
23 hand, you have broken advantages to the officers.
24 Some officers, regardless of the PBA, are accepting
25 mediation. We have devoted a lot of time and

1 resources to it. We have a statutory mandate.

2 MS. JOHNSON: Inaudible. The stress is
3 high.

4 MR. BARKAN: The first mediation, a black
5 female cop with a white complainant, completely the
6 reverse of what you would expect, and the female cop
7 came in - and I get this from our mediators, and there
8 were two mediators, the head of the mediation
9 department and Cardozo Law School and the head of a
10 very large community mediation program - I think it's
11 a wonderful program - and she comes in, she is kind
12 of sullen and she is kind of resistant, but the
13 mediators get her talking and all of a sudden you see
14 the visible stress melting out of this woman who says
15 "You know, I got a lot of problems. I'm black, I'm a
16 cop, I am female and you hit me on a bad day." And
17 they spent half an hour with each other and she
18 apologized to him because she actually behaved
19 inappropriately. They walked out. It was a much more
20 meaningful experience for the police officer than it
21 was for the complainant. And we think it will be very
22 meaningful to complainants.

23 MR. LOPEZ: The second was I think is how
24 reinforcing it is for both sides. It involved a
25 mother and a son, Hispanic and an Italian male police

1 officer, I think they were patrolling vertical patrol
2 in a public housing development which had recently
3 been the site of a violent crime, a rape, and the
4 access door was not secure which was one of the
5 considered factors for this past crime and the officer
6 had words with a group of young men and one of them
7 was the complainant's son who spoke back. They were
8 cursing at each other. At the mediation it became
9 evident that the mother was concerned with why didn't
10 you just take my son privately aside and speak to him
11 and the answer was because as Sergeant Miranda
12 mentioned, there are rooms in public housing where the
13 public holds meetings and so on. This room that had
14 been there and reserved from that had been recently
15 removed from the police officers' use so there is
16 nowhere for the fellow to take the young man and, of
17 course, the young man wasn't aware of the fact that
18 the location had been the site of a prior violent
19 crime, so when they changed this information, they
20 came to a better understanding of each other and they
21 apologized to each other. Not surprisingly, but the
22 mother was concerned about what impact this mediation
23 would have on this officers future as a police
24 officer.

25 MS. TARACIDO: It can be very powerful.

1 MR. BARKAN: Unfortunately the CCRB doesn't
2 have money to throw at the police union and this is
3 just a good thing and I think the PBA ought to be
4 sensitive and responsible to its own membership in
5 this regard.

6 MS. TARACIDO: Any other questions? Thank
7 you so much.

8 MR. BARKAN: You are very welcome.

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

C E R T I F I C A T E

STATE OF NEW YORK)
 : SS.:
COUNTY OF NEW YORK)

I, Michelle T. Parrish, a Notary Public
for and within the State of New York, do hereby
certify:

That the witness whose examination is
hereinbefore set forth was duly sworn and that such
examination is a true record of the testimony given
by that witness.

I further certify that I am not related
to any of the parties to this action by blood or by
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 23rd day of November, 1997.



Michelle T. Parrish

NEW YORK ADVISORY COMMITTEE
(Appt. 1/22/99) Updated 4/16/99

Ms. M.D. (Lita) Taracido, Chair 129 West 22nd Street, #11 New York, NY 10011	Res. (212) 243-2212 Emp. (212) 645-8999 Fax (212) 691-3092
Ms. Angela Dixon 15 Marquis Drive Slingerlands, NY 12159	Res. (518) 438-4647 Emp. (518) 434-5284 Fax (518) 434-5269
Mr. Emilio Fuentes 64 Tioga St. Buffalo, NY 14216	Res. (716) 447-0539 Emp. (716) 847-3745 Fax (716) 847-3742
Professor Stephen Gottlieb Albany Law School 80 Scotland Ave. Albany, NY 12208	Res. (518) 489-1474 Emp. (518) 445-2348 Fax (518) 445-2315
Mr. Michael L. Hanley Greater Upstate Law Project 80 St. Paul St. #660 Rochester, NY 14604	Res. (716) 671-7878 Emp. (716) 454-6500 x656 Fax (716) 454-2518 mhanley@wnylc.com
Ms. Kimberly D. Hardy Deputy Commissioner Off of Development 100 Gold St. New York, NY 10038	Res. (212) 690-1671 Emp. (212) 863-6400 Fax (212) 863-5045
Dr. Robert L. Harris, Jr. Africana Studies & Research Ctr. Cornell Univ. 310 Triphammer Rd. Ithaca, NY 14850	Res. (607) 257-4478 Emp. (607) 255-4625 Fax (607) 255-0784 RLH10@Cornell.Edu
Ms. Joan B. Johnson 655 Main St. Islip, NY 11751	Res. (516) 234-7235 Emp. (516) 224-5490 Fax (516) 224-5574
Al-Haaj Ghazi Y. Khankan 835 Brush Hollow Rd Westbury, NY 11590	Res. (516) 889-0005 Fax (516) 889-0005
Gloria Lopez, Esq. Urban League of Rochester, NY, Inc. 265 N. Clinton Ave. Rochester, NY 14605 Laura Mesas(Sec.)	Res. (716) 482-8348 Emp. (716) 325-6530 Fax (716) 325-4864 glopez@ulr.org glopez9@earthlink.com
Dr. Setsuko M. Nishi 95 Hickory Hill Tappan, NY 10983	Res. (914) 359-0813 Emp. (718) 951-5314 (718) 951-5466* (212) 642-2926 Fax (212) 642-2642
Paul D.Q. Nguyen, Esq. Port Authority of NY/NJ Aviation & Marine Leases Dept. 1 World Trade Ctr. 66th Fl. NY, NY 10048	Res. (718) 279-3667 Emp. (212) 435-6891 Fax (212) 435-6883
Dr. Gregory Rabb Jamestown Community College 525 Falconer St. Jamestown, NY 14702-0020	Res. (716) 664-9174 Emp. (716) 665-5220 x204 Fax (716) 665-5518