

Ousted CCRB executive director files lawsuit alleging sexual harassment, misconduct at NYPD watchdog panel

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STATEN ISLAND, N.Y. -- The palace intrigue within the city's Civilian Complaint Review Board continued to rage Monday, with a firing, a federal lawsuit, and the departure of the panel's remaining Staten Island members.

On Monday, Tracy Catapano-Fox, the ousted executive director of the NYPD oversight board, filed a federal lawsuit in Manhattan alleging she'd been sacked because she pursued sexual harassment complaints against one member, Bishop Mitchell Taylor, and questioned the decisions and statements of the board's new chairman.



Richard Emery, the chairman of the city's Civilian Complaint Review Board, is flanked by now-ousted CCRB executive director Tracy Catapano-Fox, left, and former member James Donlon, during a Sept. 10 meeting at Borough Hall in St. George.

Staten Island Advance/Ryan Lavis

News of the lawsuit came as three more members of the panel tendered their resignations, leaving the 13-seat CCRB without a single Staten Island member for the foreseeable future.

Ms. Fox, who was appointed as the CCRB's executive director in June 2013, was told after **a closed-door meeting of the board on Thursday** that she had two options: resign by Monday, or face firing effective Tuesday, her lawyer Douglas Wigdor said Monday.

Ms. Fox refused to resign, and on Monday struck back with a 23-page federal lawsuit that includes several bombshell allegations, many directed against board member Taylor.

Ms. Fox also accused chairman Richard Emery of colluding with the NYPD to downplay the true number of instances of "stop and frisk" by police officers, and of using inaccurate statistics as a basis for the CCRB's pending chokehold report.

According to the lawsuit, Taylor -- who is already facing scrutiny after **a video last month** showed him waving a pickaxe at hotel workers during a protest in Queens -- harassed two female CCRB employees, telling one of

them, "You're the hot stuff, baby."

In May, she alleged, Taylor sent a "very sexually inappropriate e-mail" about a civilian complaint to another CCRB employee, writing, "(t)his is not a strip search case. This is a d--- case."

Ms. Fox said she reported both instances of alleged harassment, and the e-mail, but Taylor was never disciplined. She also suggested in the lawsuit that "Bishop Taylor is rumored to have engaged in an affair" with another CCRB member and is facing a criminal investigation for the pickaxe incident.

Taylor responded by making "fabricated allegations of wrongdoing," according to the lawsuit.

Attempts to reach Taylor were unsuccessful Monday.

Mayor Bill de Blasio appointed Emery, a civil rights attorney and longtime friend of NYPD Commissioner William Bratton, to chair the board on July 17 -- the same day Eric Garner died in police custody on Staten Island after an officer placed him in a chokehold.

According to Ms. Fox, Emery told her he supported her, but that the mayor's office wanted to "get rid" of her as soon as possible.

She alleged Emery has violated city laws and rules since taking over, accusing him of excluding stop-and-frisk statistics from the CCRB's mid-year report "in a blatant effort to protect the NYPD, as he is well aware that the statistics demonstrate that 'stop and frisk' has not decreased by 94 percent as claimed by the NYPD."

Emery colluded with the NYPD by "repeatedly refusing to challenge its failure to discipline officers who violate the civil rights of the citizens of New York City," she alleged.

She also accused Emery of seeking to stack the deck against minorities by having investigators determine the credibility of complainants before starting their probes.

In the lawsuit, Ms. Fox laid out her account of the events leading up to the closed-door vote that ended in her ouster. She claims that Emery threatened to "stack the board" with members who'd vote to have her fired, and on Sept. 9, told the board's members, falsely, that she had agreed to post her jobs and she would leave by year's end.

Once the board members learned that she had made no agreement, she said, they tried to convene a closed-door session of the CCRB on Sept. 15 to issue a vote of "no-confidence" against Emery.

She claimed Emery leaked news of that meeting to the media, "which reported (falsely) that the board was planning to terminate Ms. Fox."

Emery had the meeting canceled, "and spent September stacking the board in collaboration with the NYPD and

the mayor's office," she alleged.

The board scheduled a new meeting for Oct. 2, a day after de Blasio announced the appointment of four new board members.

Ms. Fox filed suit against Emery, Taylor and the city. She seeks to be reinstated to her old job, as well as unspecified damages.

CCRB spokeswoman Linda Sachs declined comment on the allegations in Ms. Fox's suit.

Nick Paolucci, a spokesman for the city Law Department, said, "Given the pending litigation, we're not going to comment."

Oakwood resident Tosano Simonetti -- who on Sept. 10 criticized Emery for acting without consulting other board members -- **was booted from the CCRB on Sept. 15**, and several other departures followed.

Todt Hill resident Dr. Mohammed Khalid and Jules A. Martin **resigned soon after**, while another member, David Liston, was removed from the board as it awaited his formal resignation last week.

On Monday, news broke of three more resignations -- James F. Donlon of West Brighton, Rudolph Landin of Midland Beach, and Alphonzo Grant of Brooklyn.



James Donlon of West Brighton was a CCRB member since 2004.

Donlon, a private-practice lawyer who worked as a prosecutor on Staten Island, had been serving for 10 years. His term formally expired in July 2013.

He was a City Council designee, and his seat must be filled by another Staten Islander, though sources suggest that the process could take months.

"All I'm really prepared to say at this point is that I was a board member for 10 years.... It's time to move on," Donlon told the Advance on Monday. "The board members that I served with were a dedicated group."

Landin joined the NYPD in 1970, served as an investigator for the CCRB in the 1980s before it became an all-civilian board, and then worked as Staten Island's executive officer from 2004 to 2007.

He was tapped by then-NYPD Commissioner Raymond Kelly to join the CCRB **in March 2012**, and his term was not set to expire until next July.

He said Ms. Fox's firing factored into his decision to resign Monday afternoon.

"I've got to be honest with you, it did. I was one of the people who was not in favor of her being let go, but I'm



Rudolph Landin of Midland Beach resigned from the CCRB Monday.

just one person," he said.

Still, he said, Ms. Fox's firing wasn't the only factor in his resignation.

"We have a new chairman. He wants to take things in a new direction, and he should be able to do that. This way, Commissioner Bratton has the chance to put his own person in there," Landin said.

As for the borough's representation on the CCRB, he said, "Our job is to review complaints of police misconduct, and just make a call, call it as we see it. I don't think the borough we're from should play any role really. I'd like to see some Staten Islanders on there, sure, but that's not what's important."

See the full text of Ms. Fox's lawsuit below.

Tracy Catapano-Fox lawsuit