

City of Albany
Citizens' Police Review Board
GWU the Center
274 Washington Avenue – Glass Room
October 30, 2014
6:00 p.m. - 8:00 p.m.

Present: Mickey Bradley, Maritza Martinez, David Rozen, Eugene Sarfoh, Reverend Edward Smart, and Akosua Yeboah

Absent: Marilyn Hammond

I. Call to Order and Roll Call

Chairman Edward Smart called the meeting to order at 6:04 p.m.

II. Approval of the Agenda

David Rozen moved to approve the agenda. Mickey Bradley seconded the motion. The motion carried unanimously.

III. Approval of the September 11, 2014 Meeting Minutes

The Board reviewed the September 11, 2014 meeting minutes.

Chairman Smart asked if there were any questions or corrections to the September 11, 2014 meeting minutes. It was noted that there were no questions.

Mickey Bradley moved to approve the September 11, 2014 meeting minutes. Maritza Martinez seconded the motion. The motion carried unanimously.

IV. Old Business

A. *CPRB No.13-13/OPS No. 2013-037*

Chairman Edward Smart reported that this case had been reviewed at the last Board meeting and all six (6) of the findings had been voted unanimously to concur with the Office of Professional Standard's (OPS) findings on each allegation. Chairman Smart further reported that there was a monitor assigned to this case. However, at the previous meeting, this fact was not discussed. Chairman Smart explained that the monitor had agreed with the OPS findings for all six (6) allegations.

Coordinator of the Board Sharmaine Mosely stated that this particular monitor resigned from his duties as a monitor due to health issues, but his report for this case has been submitted to the Board.

V. **New Business**

A. *New Complaints*

1. New Complaints Received Since the September 11, 2014 Meeting

Chairman Edward Smart reported that the Board received one (1) new complaint since its September 11, 2014 meeting.

David Rozen read the new complaint because Secretary Akosua Yeboah was running late to tonight's meeting.

The one (1) new complaint is listed as follows:

CPRB No. 36-14/ OPS No. (No Number Assigned Yet)

According to the complainant, on October 23, 2014 the complainant took the bus to work. As she exited the bus at Partridge and Washington, she observed police cars and fire trucks on Washington Ave. While the complainant waited to cross the street another passenger of the bus attempted to cross the street diagonally and was aggressively warned by the officer not to cross because a student had just been hit by a car. With one police car blocking the first lane of traffic, the complainant proceeded to walk in front of the vehicle in an attempt to ascertain if there was oncoming traffic in preparation to cross when the light turned red. As the complainant stepped off the curb an officer allegedly yelled "Didn't I say to wait to cross when the light turns red?" The complainant remained in the first lane blocked by the police car and leaned out to observe traffic. As she did this, the officer walked up to her and allegedly grabbed her arm and said "don't you hear me talking to you?" The complainant was upset that the officer touched her.

The complainant proceeded to go to her place of employment. The officer allegedly followed her into her place of employment, asked for her identification, and threatened to ticket her for jaywalking. The complainant was told that if she did not have identification she would need to be brought to the station and be fingerprinted. The complainant stated that she was not jaywalking and that the officer had no right to put his hands on her. The officer was allegedly combative when he told the complainant that she can either walk herself out of the building or he will make her walk out.

The complainant accompanied the officers outside and was allegedly berated by both as to why she did not follow orders.

It was noted that a monitor was appointed to investigate this complaint.

2. Complaint(s) for Board Review

CPRB No. 34-13/OPS No. CC2013-092 (Presented by Eugene Sarfoh)

Eugene Sarfoh summarized the complaint. The complainant alleged that on August 24, 2013 in the evening officers were responding to an anonymous call indicating that a white male with a gun was in front of the complainant's store. The officer left after speaking to the complainant. Shortly thereafter, six (6) officers responded to that same location at which time the complainant was behind the counter of his restaurant cooking for customers. The complainant alleged that officers told him to get on the wall and they shut down his grill, while there were patrons waiting for their orders. The complainant asked to call his parole officer and lawyer and was told he could not. According to the complainant an officer asked to search his vehicle. Although the complainant told the officer "no," the officer searched his vehicle anyway. There was a conversation about the complainant's interest in running for Mayor of the City of Albany. The complainant alleged that an officer stated he could never be Mayor. The complainant further alleged that he was chastised for his political ambitions.

Mr. Sarfoh reported that he reviewed the following documents: Confidential Report; five (5) IDC; and a Call Ticket. Mr. Sarfoh stated that there were no surveillance tapes in the business or nearby for him to review.

Mr. Sarfoh reported that there are three (3) allegations. Two (2) are call handling allegations and one (1) is a conduct standards allegation.

Mr. Sarfoh reported that monitor Theresa Balfe was assigned to this case and was present at the meeting.

Ms. Balfe stated that the OPS did a thorough investigation in this case. Ms. Balfe reported that she reviewed six (6) IDC's. She stated that there was no video from the vehicles that added any pertinent information to the case. She agreed with all of the OPS findings. Ms. Balfe stated that the call tickets flowed with everything that was reported to her. What the complainant requested during the stop was not required to be given according to the standard operating procedures (SOP). Ms. Balfe stated that the officers who were questioned seemed to be in agreement with everything that was stated in the report.

Mr. Sarfoh reported that the complainant had been interviewed by the OPS and a witness who was identified by the complainant was also interviewed. It was noted that the complainant was not present at this meeting.

Mr. Sarfoh summarized the OPS finding for the call handling allegation as *exonerated*, where the acts which provide the basis for the complaint occurred, but the review shows that such acts were proper. The complainant alleged that the police responded to the address in question because of an anonymous call of a white male with a gun and the officers responded. The officer left after speaking to the complainant. A short time later, officers came into the store while the complainant was cooking. The officers told him to

shut down the grill, and to put his hands on his head and to get on the wall. The officers denied the complainant's request to speak to a lawyer and to contact his parole officer. Based on the OPS investigation, the APD had received calls from an anonymous individual stating that there was a man with gun. The officers did not have probable cause to thoroughly investigate the matter other than observing the area, but during the second call that the suspect had a gun in his vehicle; the officers again did a visual inspection of the area and came up negative. On the second call from the anonymous source, the complainant's name along with a vehicle description was given. Based on this information, the officers needed to investigate the complainant and conduct a search. Additionally, it was noted that the complainant was on parole and was not allowed to be in possession of a weapon.

Eugen Sarfoh moved to concur with the OPS finding of *exonerated* for the call handling allegation. David Rozen seconded the motion. The motion carried unanimously.

Mr. Sarfoh summarized the OPS finding for the second call handling allegation as *not sustained*, where the review fails to disclose sufficient facts to prove or disprove the allegation made in the complaint. The complainant alleged that an officer asked to search his vehicle and despite his refusal of the search it was searched nevertheless. Based on the OPS investigation, the officer indicated that he had looked inside the vehicle via the window to observe what was in plain sight and then the complainant verbally allowed him to search the vehicle. Mr. Sarfoh stated that the evidence in this allegation is only the officer's recollection against the complainant's recollection and due to that he would agree with the OPS *not sustained* finding.

Eugen Sarfoh moved to concur with the OPS finding of *not sustained* on for the call handling allegation. David Rozen seconded the motion. The motion carried unanimously.

Mr. Sarfoh summarized the OPS finding for the conduct standards allegation as *not sustained*, where the review fails to disclose sufficient facts to prove or disprove the allegation made in the complaint. The complainant alleged that officers told him that he could never be mayor, and another officer brought up his campaign and stated that Kathy Sheehan was going to be the next mayor. The complainant further alleged that he was chastised for his political ambitions. According to the OPS investigation, the officer remembered making small talk with the complainant, and could recall the complainant stating that he wanted to be mayor. The officer did not recall who, but did remember an officer informed the complainant that a convicted felon could not serve public office. Another officer recalled making the statement that a convicted felon could not run for office. All officers interviewed stated that their conversations were professional and respectful.

Eugen Sarfoh moved to concur with the OPS finding of *not sustained* for the conduct standards allegation. Maritza Martinez seconded the motion. The motion carried unanimously.

It was noted that Akosua Yeboah was now in attendance.

CPRB No. 25-13/OPS No. CC2013-062 (Presented by Maritza Martinez)

Maritza Martinez stated that this is a call handling complaint. She further stated that a monitor was not assigned to this complaint.

Ms. Martinez reported that she reviewed the following documents: Citizen Complaint Form; Civilian Complaint Form; OPS Confidential Report; Notes; APD Citizen Grievance Notification Report; OPS Letter; Disciplinary Advice of Rights; OPS Interview Guide; OPS Letter; OPS Interview Guide; Two (2) APD Booking and Arrest Reports; Three (3) Incident Reports; and six (6) CAPS Net Reports.

Ms. Martinez summarized the allegation. The complainant alleged that he was falsely accused of making threats to bomb the rescue mission and was arrested due to these allegations. The complainant went to the station for clarification and was treated rudely and the officer was hostile and arrogant in his tone and mannerisms. The complainant called the officer the next day to discuss the incident with the officer and that officer hung up on the complainant.

Ms. Martinez summarized the OPS finding for the call handling allegation as unfounded, where the review shows that the act or acts complained did not occur or were misconstrued. According to the OPS investigation, the complainant was arrested for calling the Rescue Mission and threatening to bomb the entire building and all in it. The complainant had been fired the day before. He was released with an appearance ticket and drove to the South Station in an attempt to clarify the situation because he did not want to be investigated by the FBI or sent to Guantanamo Bay. The complainant alleged that the officer responded to that by saying "good place for you" and laughed. According to the OPS investigation, the complainant told the officer he wanted to settle this by fighting the officer at the Quail Street Boxing Gym. The officer felt that there was something unsettling about the complainant and called the Rescue Mission after the complainant left to find out more information. The officer then checked with booking to verify that the complainant was arrested and to verify his name. The officer felt that based on the complainant's demeanor he was displaying signs of mental illness. The complainant alleged that he called the station the next day to discuss the incident with the office and the officer hung up on him. According to the OPS investigation, the complainant called the station. According to the officer, he kept asking the complainant "are you going to speak" and the complainant never did so the officer hung up the phone.

Akosua Yeboah asked if there were any witnesses to these events.

Ms. Martinez replied that there were no witnesses.

Maritza Martinez moved to concur with the OPS finding of *unfounded* for the call handling allegation. Chairman Edward Smart seconded the motion. The motion carried unanimously.

CPRB No. 32-13/OPS No. CC2013-083 (Presented by Chairman Edward Smart)

Chairman Edward Smart summarized the allegation. The complainant alleges that while riding a CDTA bus, the bus driver stopped short from hitting the breaks, because of a police unit crossing in front of the bus. The complainant alleged that the police unit did not have the siren on.

Chairman Smart reported that a monitor was not assigned to this case.

Chairman Smart reported that he reviewed the following documents: Corporate Counsel File; Notice of Claim; Grievance Notification; Confidential Report; Siren Video Confidential Report; Medical Disclosure; General Consent Form; Emergency Disposition Form; Mohawk Ambulance Form; Medical Disposition Form; CAD CALL; Field Investigation Report; Three (3) IDC; Rights Advisory; Informational Emergency Response.

Chairman Smart summarized the OPS finding for the call handling allegation as *unfounded*, where the review shows that the act or acts complained of did not occur or were misconstrued. The complainant alleged that while riding a CDTA bus, the bus driver stopped short by hitting the brakes because of a police unit crossing in front of the bus. According to the OPS investigation, the DVR footage shows the officer was in emergency operation with lights and sirens operating. The officer came to a complete stop and only started again when the CDTA bus came to a complete stop. The officer was not in the way of the bus nor would have they collided if the bus driver had never stopped. This showed that the officer used reasonable care in entering and leaving the intersection.

Chairman Smart added that the complainant stated that she hurt her arm and hit her wrist on part of the bus.

Chairman Smart reported that in reviewing the case file, it was clear that the siren and lights were on and the officer stopped and did not proceed until the bus stopped. Once the bus stopped the officer proceeded to the location he was dispatched to.

Chairman Edward Smart moved to concur with the OPS finding of *unfounded* for the call handling allegation. Akosua Yeboah seconded the motion. The motion carried unanimously.

CPRB No. 46-13/OPS No. CC2013-124 (Presented by Mickey Bradley)

Mickey Bradley summarized the complaint. The complainant alleged that at 1 a.m. on October 23, 2013 he was walking down the street when an officer stopped him and asked for identification. The complainant alleged that as he started to give his name, the officer and another officer allegedly tackled him. The complainant alleged that the officers had no probable cause to stop him and that this was the second time in four (4) months he has been stopped by the same officer who is harassing him.

Mr. Bradley stated that a monitor was assigned, but that he was not present at this meeting.¹ Mr. Bradley will summarize the monitor's report.

According to the monitor's report, the officers in question stated they stopped the man because he had a bulge that resembled a gun, and was in an area that had shootings and gun arrests. When the individual was asked to stop he placed his hands in his pockets and turned to walk away. When the officers called out and indicated that he needed to come toward them he walked aggressively at them and did not take his hands from his pockets when asked to do so. The monitor's report indicated that there was also a robbery "be on the lookout" (BOLO) on the night of the alleged incident. Mr. Bradley summarized that based on the complainant's behavior, time of day, history of incidents in the location, and BOLO, the officers stopped the complainant, handcuffed him, patted him down for weapons, and checked for warrants. The bulge turned out to be a wallet and folded papers so the complainant was released.

According to the OPS investigation, the complainant was highly agitated and uncooperative. While the officers were polite, the complainant yelled at them and screamed that he would have their jobs. The officers stated that no one laughed at him or tackled him.

Mr. Bradley reported that the complainant went to the Emergency Room complaining of pain in his wrists due to the handcuffs. The report from Albany Medical Center stated that the complainant had no visible trauma. Mr. Bradley read from the medical report which stated that the complainant reported that his wrists hurt after being placed in handcuffs but had no visible signs of trauma. He would treat his pain with Motrin and he declined x-rays. The treating physician did not believe there was any reason for x-rays as his range of motion was good and his exam was reproducible.

¹ The monitor who was not present is the same monitor mentioned in CPRB No. 13-13/OPS No. CC2013-037.

Mr. Bradley stated that based on the call-in and call-back times, the entire incident lasted 7 minutes, and the complainant would have only been in handcuffs for that time or less. Mr. Bradley stated that it would be possible to receive significant trauma in a short time but it was worth noting that the medical evidence suggests there was not an injury.

Mr. Bradley stated that the complainant was not present at tonight's meeting.

Mr. Bradley stated that there were three (3) allegations in this complaint.

Mr. Bradley summarized the OPS finding for the first conduct standards allegation as *exonerated*, where the acts which provide the basis for the complaint occurred, but the review shows that such acts were proper. The complainant alleged that an officer stopped him and asked for identification without probable cause. According to the OPS investigation, the officers stopped the complainant and detained him when due to his actions of putting his hands in his pockets when he noticed the police he walked in the opposite direction of the officers when they stopped the police vehicle. When called by the officers, the complainant walked in an aggressive manner towards them. One officer stated the complainant was highly agitated and stated he would have their jobs.

Department statistics indicated the area where the complainant was stopped had twelve (12) shots fired calls between August 25 and October 31, 2013 from that area and twenty five (25) shots fired calls from a surrounding area between the same dates. According to the OPS report, based on the officer's observations, they had the right to forcibly stop the complainant if they have reasonable suspicion of a weapon being involved.

Akosua Yeboah stated that when she was read the report she was concerned that there was no description of the man except a bulge. Ms. Yeboah stated she does not know if there was a description of the person involved in the shooting, but it seemed arbitrary to stop an individual for a bulge.

Mr. Bradley replied that initially he thought that as well when reviewing the file, however the bulge was not the only thing that resulted in the stop. It was an accumulation of the recent activity in the area, the bulge, the complainant's behavior, his refusal to pull his hands out of his pockets, and the fact that there was a BOLO for a robbery that had just occurred. Mr. Bradley stated that any one of those standing alone would have been enough for a full pat down.

Ms. Yeboah replied that she was still concerned for the initial stop.

Mr. Bradley stated that while the complainant would not have known the other underlying facts and history of the area, the officers would have and that would have informed their decision to stop him.

Mikey Bradley moved to concur with the OPS finding of *exonerated* for the conduct standards allegation. David Rozen seconded the motion. The motion carried unanimously.

Mr. Bradley summarized the OPS finding for the conduct standards allegation as *unfounded*, where the review shows that the act or acts complained of did not occur or were misconstrued. The complainant alleged that an officer came up and tackled him while he was speaking with another officer. According to OPS report, both officers stated that the complainant was not tackled. While at Albany Medical Center the complainant never indicated to the medical staff about being tackled and never presented with injuries from a tackle.

Mikey Bradley moved to concur with the OPS finding of *unfounded* for the conduct standards allegation. Edward Smart seconded the motion. The motion carried unanimously.

Mr. Bradley summarized the OPS finding for the call handling allegation as *not sustained*, where the review fails to disclose sufficient facts to prove or disprove the allegation made in the complaint. The complainant alleged that the officers were laughing at him while he was being handcuffed. According to the OPS investigation, the officers claimed they did not laugh. Mr. Bradley stated that *not sustained* is a finding where we cannot decide either way.

Mikey Bradley moved to concur with the OPS finding of *not sustained* for the call handling allegation. Akosua Yeboah seconded the motion. The motion carried unanimously.

CPRB No. 4-14/OPS No. CC2014-018 (Presented by David Rozen)

David Rozen summarized the complaint. The complainant alleged that he has received several tickets and that officers planted a controlled substance on the top of his vehicle, but was not arrested. Mr. Rozen reported that an OPS detective called the complainant to get his exact complaint and was told by the complainant that he would call the detective back. The detective contacted the complainant by phone asking clarifying questions about his complaint. The complainant asked if he could call the detective back, but never did. The detective called back on March 5th and March 15th but the phone number was not in service. The detective then sent certified mail to the address provided on the complaint form, and that mail was never signed for and returned. The detective called the complainant again, identifying himself as an OPS detective with the APD seeking clarification of the complaint. According to the detective, the complainant sounded suspicious and paranoid. The complainant did not believe the detective and hung up on him.

Mr. Rozen explained that because the detective did not know what incident the complainant was referring to in his complaint, the OPS did a Caps Net check and it uncovered that the complainant had four (4) stops on record. Mr. Rozen stated that the complainant is a taxi driver. In the first stop, the complainant was pulled over for violating the speed limit. The second stop was also for speeding. According to the officers, the complainant stated that he was late for work and when a person is late for work they should be able to speed and get to work. The third incident was on Henry Johnson Ave. and Second Street. The complainant was issued a ticket for failure to merge back into traffic. Mr. Rozen reported that there was no video of this event but it was unique in that the complainant's taxi van was leaving a known drug house. When the complainant left the location he did not activate his turn signal giving the officers cause to make a traffic stop. According to the OPS investigation, the complainant became irate while moving around in the front seat asking "why the officers were harassing him and his customers?" The van had tinted windows, obscuring the view of the passengers in the rear of the vehicle, so as a precaution the officer asked that the individuals in the van to open all the doors and to step out. All individuals were asked to step out of the van and open the doors for the officers' safety. According to the OPS report, one (1) passenger was revealed to have approached a known drug house and was found in possession of crack cocaine, and was arrested for criminal possession of a controlled substance in the seventh degree.

Mr. Rozen additionally pointed out that the complainant's license was taken for review and a ticket was issued due to his conduct during the stop and based on his admission that the front seat passenger was a friend who rode around with him conducting traffic runs. The complainant was described in the APD incident reports as being aggressive, verbally abusive, and stating that the allegations were false and that drugs were planted on the vehicle.

According to the OPS investigation, while the officers were arresting the passenger for possession they placed the cocaine on the roof of the vehicle as they were handcuffing him. The officers never charged the complainant with possession of cocaine or any similar charge.

Mr. Rozen stated that in the final incident involving this individual, he was stopped for violating the speed limit. Mr. Rozen stated that there is video of that incident. The complainant accused the police of making all the passengers leave the vehicle. Mr. Rozen stated that in his review of the video, it was a simple traffic stop and no one was asked to leave the vehicle.

Mr. Rozen reported that the OPS finding for the conduct standards allegation was *exonerated* where the acts which provide the basis for the complaint occurred, but the review shows that such acts were proper.

Akosua Yeboah asked why there wasn't any video available in the one incident.

OPS Commander Michael Hicks explained that there was a long period of time between that incident, the filing of the complaint, and the subsequent investigation so the video was overwritten.

David Rozen moved to concur with the OPS finding of *exonerated* on for the conduct standards allegation. Eugene Sarfoh seconded the motion. The motion carried unanimously.

B. Appointment of New Members to the Committee on Complaint Review for November 2014

There were not enough members available for the November 13th meeting so the Board agreed to reschedule the meeting.

C. Approval of 2014 First and Second Quarterly Reports

Eugene Sarfoh moved for the approval of the 2014 first and second quarterly report. David Rozen seconded the motion. The motion carried unanimously.

Approval of 2012 Annual Report

Mickey Bradley moved for the approval of the 2012 Annual Report. Maritza Martinez seconded the motion. The motion carried unanimously.

Approval of 2013 annual report

Eugene Sarfoh moved for the approval of the 2013 Annual Report. Chairman Edward Smart seconded the motion. The motion carried unanimously.

D. Committee Task Force Reports

By-Laws and Rules

Committee Chair David Rozen stated that he had nothing new to report at this time.

Community Outreach

Committee Chair Akosua Yeboah yielded the floor to Vice-Chairman David Rozen

Mr. Rozen stated that we are invited by ACPAC to attend the police advisory meeting on October 22 which he did attend. Deputy Chief Cox was present and presented. There were approximately forty (40) people in attendance. Mr. Rozen stated that it was a great program, and he presented on the Board and handed out brochures in Spanish and English. Mr. Rozen stated that ACPAC wanted to thank us again for working with them and with their community policing model. Mr. Rozen wanted to remind the Board that

the Board made a commitment to go anytime they want us to attend an event. Mr. Rozen stated that ACPAC is accepting applications for members at large and they are due by November 12.

Ms. Yeboah stated that the brochures are being updated with the mediation program and will be sent to the entire committee before the final approval.

Chairman Smart asked if the brochures will be sent to the Board before its final approval.

Ms. Yeboah stated that they would normally be sent only to the committee, but they will send them to the Board for review before they are approved.

Mediation

Committee Chair Mickey Bradley stated that the Board was just informed that the Mayor has approved the list of mediators.

Mr. Bradley stated that now that the mediators are approved they will need to be trained. It was noted that Sharmaine Moseley met an individual at the NACOLE conference who does mediation training, so she is in the process of reaching out to discuss training for the Board's newly selected mediators.

Police Department Liaison-Policy Review/ Recommendations

Chairman Edward Smart reported that Committee Chair Anthony Potenza has completed his tenure with the Board. Chairman Smart stated that Mr. Potenza was the senior member on the Board in terms of consecutive years with us. Chairman Smart further stated that Mr. Potenza had served the community well and the entire Board commend him and will miss him.

Chairman Smart reported that the Board would be appointing Mickey Bradley as Chairman of this committee. He stated that Coordinator of the Board Sharmaine Moseley would give the report for the committee.

It was reported that the committee met with the APD on October 7, 2014. Ms. Moseley reported that there were two (2) items on the agenda. These cases were discussed at the Board's December 2013 meeting and the January 2014 meeting. In the first case, the Board raised concerns with a ruse being used by an officer to get the complainant to leave her apartment. During the meeting with the Chief, the APD stated that the use of a ruse is legitimate, but officers cannot do things like say a person's house is on fire. However, in that case the sergeant should have attempted to safe guard the complainant when she was released from the station. As a result, he was disciplined for not following the SOP. The second item involved a case regarding a juvenile stopped for reports of a BB gun. The Board was concerned with the juvenile being stopped at gunpoint and a juvenile contact card not being filled out, nor were any parents notified. According to the Chief, the APD

has addressed this issue with training. Since then a special order was created for the officers to follow when dealing with juveniles.

It was noted that at this meeting, the Early Warning System was discussed as well. Ms. Mosley reported that the Early Warning System is in place but the CPRB had not been receiving data from the APD from it. It was agreed at that meeting that the APD will now send the CPRB data from January through September of this year and will give a report at each board meeting.

It was further noted that at this meeting, the CPRB updated the APD about the progress on the mediation program.

Additionally, it was noted that the DVR issues were discussed. The DVR batteries were having issues and were being depleted faster than expected. Since then, new cameras were being installed in the cars.

Public Official Liaison

Committee Chairman Edward Smart we have not had a report at this time. The committee has not met during this time frame.

Task Force on Monitors

Task Force Chair Eugene Sarfoh stated that he needs to follow up with Sharmaine and create a plan on to update the monitors. Mr. Sarfoh stated that he had reached out to the monitors earlier in the year and will follow up and schedule meeting and find out who has left us. Mr. Sarfoh stated that it was his hope to follow up before the year ended.

E. Report from the Government Law Center

Government Law Center (GLC) Coordinator for the CPRB Sharmaine Moseley gave her report.

Complaint Inventory as of Date of Meeting

It was reported that as of today, there are currently fifty (50) active complaints before the Board for review. Of those fifty (50) active complaints, six (6) were reviewed and closed by the Board at tonight's meeting. This leaves the Board with forty-four (44) active complaints. There are at least five (5) cases ready to be reviewed by the Board at the next meeting in November.

It was reported that six hundred and sixteen (616) complaints have been closed. The total number of complaints that remain suspended from review is nine (9). The total number of complaints filed to date is six hundred and sixty-nine (669).

It was further reported that since the Board's last meeting, the GLC received one grievance form, bringing the total number of forms received to five hundred and forty-

seven (547). In response to the GLC's outreach to all individuals, we have received one hundred and fifty-one (151) CPRB complaint forms, which is twenty eight percent (28%).

Board Vacancies

It was reported that there are two vacancies on the Board. Ms. Moseley asked the Board and members of the audience if they know anyone who might be willing to volunteer as a member please let her know.

NACOLE

It was reported that in September, Chairman Smart and Sharmaine Moseley traveled to Kansas City to attend the NACOLE Conference. Once again, there was a wealth of information and over three hundred (300) attendees. Now that the City of Albany has cameras in its police vehicles, cities are moving toward body cameras worn by officers.

Upcoming Meetings

It was reported that there is a meeting scheduled for November 10th at 5 p.m. to discuss setting benchmarking goals with SUNY staff for the CPRB.

F. Report from the Office of Professional Standards

OPS Detective Kathy Hendrick and Commander Michael Hicks were present. Commander Hicks reported that he wanted to give the Early Warning System numbers at this portion of the meeting monthly.

Chairman Smart asked what the threshold matrix is.

Commander Hicks replied that it is exactly what it states for example in the section labeled four (4) uses of force in six (6) months, if that happens in six months an alert will pop up and notify him that an officer has had those problems. Commander Hicks further stated that when he is alerted he will look at each instance and review what is happening with the officer. It corresponds to what happens during the time frame.

G. Report from the Chair

Chairman Edward Smart stated that Commander Hicks will be going to a conference in Florida.

Commander Hicks stated that it is about the early warning system. The conference is called IAPRO.

Chairman Smart stated that this conference is available to the Board. There are funds which allow the Board to go to other conferences. Chairman Smart further stated that he brought back a brochure from NACOLE which announces that the next NACOLE conference will be in Riverside, California. Chairman Smart stated that he wanted to

commend Ms. Moseley because they split up the sessions and attended each session that was available. The main speaker was Ron Davis who is head of COPS in Washington DC. David Rozen added if anyone wants to be on a NACOLE committee, they always ask for people who would like to help.

VI. Public Comment

Chairman Edward Smart opened the floor for public comment.

The father of the complainant from CPRB No. 34-13 was present and made a comment. This individual stated that the complainant could not be here because he had moved to New Hampshire and is doing very well in the area. The complainant is a convicted felon on parole which means he cannot vote but he can run for office. The complainant wanted to run for mayor in the City of Albany, which gives you both friends and enemies in this city. There was a false report that there was a white man with a gun in the area of the complainant's store. At that time, the complainant was training an individual who was in the store with his mother and a customer was present. The complainant's father stated that his son was upset that he was told by the officers that he could not run for office and he felt that his store was invaded by the officers for this erroneous complaint.

Chairman Smart thanked him for coming and stated that much of what we have done tonight is based on what the facts show and what could be proved.

The complainant's father explained that the complainant is obligated to call his parole officer every time he is stopped by the police and this was not the first time he was stopped.

Chairman Smart stated that if a call comes in about someone with a gun, the officers need to proceed to check the area to the best of their ability under the law. Chairman Smart stated that we wish there was some way to find out who made the false claim. We heard his son's complaint and have made a decision and are happy that he is doing well in New Hampshire.

David Rozen stated that the Board hired a monitor who reviewed the case and double checked what the Board reviewed including the OPS investigation. Mr. Rozen stated that the monitor's report was also reviewed when the Board came to a decision.

VII. Adjournment

Chairman Edward Smart adjourned the meeting at 7:08 p.m.

Respectfully Submitted,



Akosua Yeboah
Secretary