

City of Albany
Citizens' Police Review Board
GWU the Center
274 Washington Avenue - Teen Center Community Room
November 20, 2014
6:00 - 8:00 p.m.

MINUTES

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

Absent: Marilyn Hammond

I. Call to Order and Roll Call

Chairman Edward Smart called the meeting to order at 6:05 p.m.

II. Approval of the Agenda

The agenda was reviewed. David Rozen moved to approve the agenda. Akosua Yeboah seconded the motion. The motion carried unanimously.

III. Approval of the October 30, 2014 Meeting Minutes

The board reviewed the October 30, 2014 meeting minutes.

Chairman Smart asked if there were any questions or corrections to the October 30, 2014 meeting minutes.

Mickey Bradley moved to approve the October 30, 2014 meeting minutes. David Rozen seconded the motion. The motion carried unanimously.

IV. New Business

A. New Complaints

1. New Complaints Received since the October 30, 2014 Meeting

Chairman Edward Smart reported that the Board received one (1) new complaint since its October 30, 2014 meeting.

Secretary Akosua Yeboah read the new complaint.

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

CPRB No. 37-14/ OPS No. (No Number Assigned Yet)

According to the complainant, he is being held in the Albany County Correctional Facility on criminal charges stemming from an incident occurring in Cohoes. The complainant alleges that members of the Cohoes police department have falsified charges against him on two (2) occasions. The first incident was alleged to have occurred in early 2014 when he was charged with failure to register by the Cohoes police. The complainant alleges that he had reported to members of the Albany Police Department, and that they would be witnesses to his reporting.

Additionally, the complainant alleges that he is held on felony charges stemming from alleged incidents occurring in Cohoes. The complainant alleges that members of the Cohoes Police Department have lied and falsified reports in that criminal matter.

Chairman Edward Smart stated that the board is only empowered to review actions of the Albany Police Department.

Akosua Yeboah moved to close this case without review. David Rozen seconded the motion. The motion carried unanimously.

2. Complaint(s) for Board Review

CPRB No. 8-14/OPS No. CC2014-030 (Presented by A. Yeboah)

Akosua Yeboah stated that this is a single allegation of call handling, and a monitor was assigned to this case. Monitor George Kleinmeier was present.

Ms. Yeboah reported that she reviewed the following documents: Multiple Confidential Reports; Call Details; More than Ten (10) IDC's; Incident Report; Citizen Complaint Report; APD Local Person Report; Booking and Arrest Report. Ms. Yeboah stated she had a follow up conversation with the investigating detective in this matter.

Ms. Yeboah stated that this complaint was filed on April 11, 2014, and summarized the complaint. The complainant alleged that despite being called to her current residence on more than one occasion to address an ongoing issue concerning a neighbor, the APD never did anything. The complainant makes a similar allegation regarding calls to her previous residence. The complainant also alleges that the Albany County District Attorney was wiretapping her apartment. One confidential report states that during a call occurring three days before the complainant filed the complaint, the complainant began to yell at the officers because she felt there were too many of them at that time; at that time she stated that she felt she did not need their assistance. The officers left the residence without incident; recent calls to APD were for noise and property damages. The complainant alleges that the neighbor has been tampering with her food, personal items, and clothing belonging to her children. Ms. Yeboah stated that the Police Call Detail Reports and Booking Attest Report shows that on multiple occasions responded to

that address and took action that appeared appropriate to the incident. The complaint in question concerns an occasion when the complainant requested that her neighbor be arrested but the police did not do so.

Ms. Yeboah asked if the complainant was present, and it was noted that the complainant was present.

The complainant stated that she has experienced similar experiences in every location she has lived, in her previous residence she had a neighbor who was coming into her home and the police department knew about the incident and did not act. The complainant stated that these individuals who are entering her home have ties to the father of her children. The complainant stated that she is seeking justice, but the police will not do anything for her. The complainant stated that she has just moved from Albany to Schenectady and these incidents continue with the same police officer. The complainant stated her new neighbors in Schenectady are making noises, and banging on things. The complainant alleges that her neighbor received keys to her home from the landlord, and the neighbor admitted to destroying her boots to the officers but was never charged. The complainant stated the officers told her to call her landlord about the situation. The complainant stated that she went to the US Attorney, and an Assemblymen and they all knew what this officer was doing. The complainant stated she will be filing federal harassment suits in federal court. The complainant stated that she has written statements in city and county courts, and wants to press charges against a man because he is playing music and has been bothering her for the past four (4) years.

Monitor George Kleinmeier stated that potentially there is a Department of Social Services program that this complainant is able to reach out to for help.

Ms. Yeboah thanked the complainant for attending, and stated that she sympathizes with her and can hear the pain in her voice. Ms. Yeboah stated that the CPRB is not a law enforcement agency, and that the role of the board is to make sure that complaints filed against the police department are investigated thoroughly and professionally.

Ms. Yeboah stated that on one occasion the police did arrest the neighbor who was discussed in the complaint. In that case the officers did take an action. Ms. Yeboah stated that in reviewing the file she saw based on the context that the complainant made against one member of the police department, based on the OPS investigation and police department records that officer was not one of the officers who ever responded to the complainant's residence. Records show that on nine (9) other occasions APD was called to the residence to deal with problems with this neighbor and actions were taken when appropriate. Ms. Yeboah explained that the department took action when criminal activity had occurred, but they cannot arrest someone when no criminal activity is occurring. The department has recently taken action on some of these occasions by

investigating the neighbor's residence and listening for loud music, going into that apartment, and speaking to the resident. It was noted that there was one instance where the neighbor was found to be menacing the complainant and was arrested for that allegation. Ms. Yeboah stated that based on the reasons above she would concur with the OPS finding of Not Sustained which is for the allegation of call handling.

Ms. Yeboah further explained the finding of No Finding by stating that the board cannot make a finding when there is no evidence to make a decision either way.

The complainant stated that her neighbor was arrested and given a court date and missed that date so she then filed in family court for an order of protection.

Ms. Yeboah stated that it sounds like she is handling these other issues, but the board is here to make a determination into the handling of the police department's investigation.

Ms. Martinez stated that it would be recommended that in making a complaint it is helpful to have witnesses and evidence because when it is simply a statement it becomes a he said she said, making it difficult to make a determination either way.

Akosua Yeboah moved to concur with the OPS finding of *Not Sustained* on for the call handling allegation. Mickey Bradley seconded the motion. The motion carried unanimously.

CPRB No. 45-13/OPS No. CC2013-109 (Presented by M. Martinez)

Maritza Martinez reported that she reviewed the following documents: Civilian Complaint Form; OPS Confidential Report; Notes; APD Supervisor Inquiry report; APD Booking and Arrest Reports; CAD call; IDC; DVR Video; APD SSTA-f.

Ms. Martinez reported that the date and time of the incident was June 11, 2014, at 5:53 p.m.

Ms. Martinez summarized the allegation. The complainant alleged that he was operating his vehicle he was stopped by an officer and following a consensual search of his automobile he was placed into custody and subsequently transported to SSTA. The complainant alleged that the officer's driving was unnecessarily fast and unsafe during his transport. The complainant alleged that the officer was having difficulty scanning his fingerprints. It is further alleged that the officer stated "if you didn't smoke crack, we would be done by now."

Ms. Martinez noted that she reviewed the DVR footage that was provided in this case and the officer's speed was within normal limits and engaged in a pleasant discussion with the complainant.

Ms. Martinez stated that the on the department vehicle allegation the OPS recommendation is *unfounded* which the where the review shows that the act or acts complained did not occur or were misconstrued. The complainant alleged that the officer's driving was unnecessarily fast and unsafe during his transport. According to the OPS investigation, the DVR revealed the transport of the complainant occurred between 18:35:50 and 18:43:36 hours and the officer's operation of the police cruiser appears to be safe and at a reasonable speed. The conversation that occurred between the officer and the complainant is cordial.

It was noted that the complainant was not present.

Maritza Martinez moved to concur with the OPS finding of *unfounded* on for the department vehicle operations allegation. Edward Smart seconded the motion. The motion carried unanimously.

Ms. Martinez stated that the on the conduct standards allegation the OPS recommendation is *not sustained* which is where the review fails to disclose sufficient facts to prove or disprove the allegation made in the complaint. The complainant alleged that the officer was having difficulty scanning his fingerprints, the officer stated "if you didn't smoke crack you would be done by now." According to the OPS investigation, the officer denied making the alleged statement regarding the use of crack cocaine. Ms. Martinez stated that in this case the supervisor was sent a letter by the complainant asking that he could correct the officer. The supervisor did speak to the officer about how being rude is not acceptable; the complainant was satisfied with that action.

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

CPRB No. 12-14/OPS No. CC2014-031 (Presented by M. Bradley)

Mikey Bradley summarized the complaint. The complainant alleged that after midnight on April 17, 2014 he was attempting to break into his car after locking his keys inside, a citizen saw this and called 911 and reported someone trying to pry a car door open. Officers responded and saw someone with a knife and hammer at the car. The complainant alleges that one officer pointed his gun at him, and he was then placed in handcuffs. The complainant was questioned and it was determined that the vehicle belonged to his mother and that he had permission to break into it, at that point the complainant was released. The complainant stated that while he was attempting to break into his vehicle the police car came up from behind and officers exited their vehicle with guns drawn and pointing at him. The complainant stated that he was not posing a threat to them or anyone in the area, and he feels that the situation was not handled properly.

Mr. Bradley asked if the complainant was present; it was noted that he was present.

The complainant stated that the vehicle was his father and his car. The complainant stated that he had locked his keys in the vehicle and before attempting to break into the vehicle he called the police to ask for assistance in getting the keys from the vehicle. The complainant stated that after he was uncuffed the officers told him he could not continue to attempt to break into his vehicle.

Chairman Edward Smart stated that a neighbor had your best interest in mind and called the police because it looked like someone was breaking into your car. Chairman Smart stated that when an officer is trained they are taught to approach this type of situation with that level of response.

The complainant stated that he was using a butter knife and a coat hanger to try and break into his car and that he had a hammer with him that was on the roof of the car.

Mr. Bradley stated that while the complainant knew he did not pose a risk, and that it was his vehicle these officers did not. Mr. Bradley explained that when an officer approaches a situation they do not know that an individual doesn't pose a risk, there are many instances where an individual does pose a risk so the officers need to air on the side of caution. Mr. Bradley stated that there are many examples where police come upon seemingly innocent situations and getting shot or attacked which is why the policy allows them to do some of the things that you have discussed here tonight. Mr. Bradley stated that the officers are allowed to secure the situation, make it safe for everyone involved and then ask the questions.

The complainant stated that the officers came from behind him and asked what would have happened if he had the hammer in his hand when he turned around. Mr. Bradley stated he wanted to keep this discussion to what did happen and not to speculate on what could have happened.

Mr. Bradley stated the officers here pulled up to this situation where the complainant was breaking into his car, they do not know that it is his car but they do know that in April 147 vehicles were broken into in the city and they know you have weapons. Mr. Bradley stated that the officers followed policy in that they secured the situation then found out that it was your vehicle and release you as they did.

Mr. Bradley stated that there were two (2) allegations in this complaint.

Mr. Bradley stated that the on the first that will be addressed is a call handling allegation the OPS recommendation is *unfounded* which is where the review shows that the act or acts complained [of] did not occur or were misconstrued. The complainant alleged that he is a good person and had a right to break into his own vehicle. According to the OPS

investigation, while the complainant has a right to break into his own vehicle an officer is not going to know if that person owns the vehicle or if that person is non-threatening. According to the OPS investigation, a 911 call was received and the officers were dispatched on arrival officers saw what appeared to be the male in question attempting to break into a vehicle with a knife and hammer. Once the officers conducted their investigation the complainant was released with a Field Interview Card completed. APD statistics indicated between January 2014 and May 2014 one hundred and forty seven (147) reports have been taken regarding larcenies from motor vehicles.

The complainant stated that he knows all his neighbors and finds it hard to believe that one of them would have called 911 because they know what he looks like and what car he drives.

Mr. Bradley stated that while he does not know who placed the call in his review of the case he saw a 911 call ticket which indicated a call came in. Mr. Bradley reported that the caller stated they could see a "black male wearing a grey or black hooded sweatshirt."

Mr. Rozen asked does the APD have a program to help people who are locked out of their vehicles. Commander Hicks stated that the APD does not help people get into locked vehicles, or use "slim jims" on cars, we could call a tow company to see if they could help but the APD and the city does not do that.

Mr. Rozen asked if there was a record of the complainant calling in before the incident asking for help. Mr. Bradley stated that he did not see that in his review of the file.

Chairman Smart stated that the call may have never been received by the city of Albany if it was a call to 911 sent via his cellphone as those calls go into the state police and then are forwarded to the local departments based on priority. Chairman Smart stated that a request to open a vehicle may not even be forwarded to the local department by the 911 dispatcher.

Mr. Bradley moved to concur with the OPS finding of *unfounded* on for the call handling allegation. Chairman Smart seconded the motion. The motion carried unanimously. Eugene Sarfoh abstained from this motion because he was not present for the full discussion of this case.

Mr. Bradley stated that on the call handling allegation regarding the use of handcuffs and one officer drawing his weapon, the OPS recommendation is *exonerated* which the where the acts which provide the basis for the complaint occurred, but the review shows that such acts were proper. The OPS recommendation is based on the facts that the hour was late and the complainant was holding potentially dangerous weapons a knife and a hammer which would justify the officer's caution in the use of handcuffs. According to

the OPS investigation, the officer who un-holstered his weapon kept it in a low ready position as per the department policy.

Mr. Bradley stated that he would recommend a change in this allegation to two separate findings from this portion of the complaint. Mr. Bradley explained that he agreed with the finding of *exonerated* for the use of force allegation pertaining to the use of handcuffs for the reasons cited by OPS. Mr. Bradley stated that the portion pertaining to whether the gun was pointed at the complainant as per the allegation or if it was kept in a low ready position as according to the officer cannot be determined one way or the other and should be *not sustained* which is where the review fails to disclose sufficient facts to prove or disprove the allegation made in the complaint. Mr. Bradley stated that he has been in touch with the detective investigating this complaint and they would agree to break the use of force allegation into two (2) complaints one for the use of handcuffs and one for the drawing of the gun.

Mr. Rozen asked if there was any video of the incident. Mr. Bradley stated there was not DVR footage of this incident because it was not an incident that required the DVR to be activated.

The complainant expressed his displeasure due to the fact that there was no video of the incident and that the incident was not required to be filmed. The complainant stated that he wished the incident would be recorded both to help the outcome of this case and also if it was an incident where an arrest was made there would be evidence to submit to the courts. Mr. Bradley stated he agreed with that sentiment, but the board is currently looking at whether the officers violated any current policy.

Ms. Yeboah asked if there was a portion of this complaint that the officers instructed him to not continue to attempt to enter his vehicle. Mr. Bradley responded that the officer instructing the complainant to stop attempting to enter his vehicle was not part of a specific allegation in this complaint.

Mr. Bradley moved that the single use of force allegation be broken into two (2) allegations, the first (1st) being use of force allegation pertaining to the use of handcuffs and the second (2nd) being use of force allegation pertaining to the pointing of the officer's gun. Mr. Rozen seconded the motion. The motion carried unanimously.

Ms. Yeboah stated that this is a case that frustrates her as she understands that the officers are doing what they are trained to do but it feels in this case that this was excessive force.

Chairman Smart stated that the officers are trained a certain way and if they do not follow the procedures they are trained under it puts their jobs and sometimes their lives in jeopardy. Chairman Smart continued while we may not entirely agree with all the

procedures that are in place the board is currently making a decision as to whether those procedures were followed during this incident.

Mr. Bradley summarized the OPS finding for the use of force allegation. According to the OPS investigation, it was late at night; the complainant was not known to the officers in question and was in possession of potentially dangerous weapons. According to the OPS finding the officers were justified in their use of handcuffs to secure the scene before questioning the complainant. Mr. Bradley reported that the OPS finding was for *exonerated* and he concurred with that finding in the portion that pertained to the use of handcuffs in this scenario.

Mickey Bradley moved for a finding of *exonerated* on for the use of force allegation pertaining to the use of handcuffs. David Rozen seconded the motion. The motion carried unanimously.

Mr. Bradley stated that as to his second use of force allegation pertaining to the drawing and pointing of the officers' gun at the complainant he suggests a finding of *Not sustained*. Mr. Bradley explained that the officer claimed one thing while the complainant states another he would not be able to concur with the original OPS finding of *exonerated*. Mr. Bradley stated that in the absence of any other evidence the board could not make any other decision.

Chairman Smart stated that here the board is not agreeing or disagreeing with OPS as they have not made a decision either way on this particular allegation as the board has just made the single allegation into two (2). Chairman Smart explained that the board would need to send the compliant back to OPS for a determination on this new allegation.

Mikey Bradley moved for a finding of *not sustained* on for the use of force allegation pertaining to the pointing of the officer's gun. David Rozen seconded the motion. The motion carried unanimously.

Mr. Bradley stated that he appreciated the complainant both filing the complaint and joining the board at this meeting. Mr. Bradley stated that he thanks the complainant for listening to the board explain the police protocols in this situation, but he understands the complainant's point of view. Mr. Bradley explained that it is the boards hope to balance both the positions between the officer's point of view and yours, and he hoped that the complainant while he may not be satisfied by the outcome has had his voice heard.

The complainant expressed his displeasure at the policy that was used by the officers in this case.

CPRB No. 9-14/OPS No. CC2014-036 (Presented by E. Sarfoh).

Eugene Sarfoh summarized the allegation. Mr. Sarfoh stated that this complaint was received on April 16, 2014 and the complaint stems from a vehicle stop that resulted in a traffic ticket. The complainant alleged that on February 27, 2014 he was issued a speeding ticket in retaliation for filing a complaint with OPS that same day. The complaint alleged that he was contacted by an OPS detective who was bullish and defensive regarding his original complaint. Mr. Sarfoh noted that the underlying complaint was reviewed at this board's October 30, 2014 meeting.

Mr. Sarfoh reported that he reviewed the following documents: One (1) IDC; Uniform Traffic Ticket; Supporting Deposition for the Uniform Traffic Ticket; Officers Notes; Citation Report; Four (4) Citation Reports regarding prior traffic stops; OPS Confidential Report; Citizen Complaint Form.

Mr. Sarfoh stated that this complainant had filed a complaint and that day was stopped for speeding, the complainant believed that he was stopped for voicing his complaint. Mr. Sarfoh stated that on the conduct standards allegation the OPS recommendation is *not sustained* which the where the review fails to disclose sufficient facts to prove or disprove the allegation made in the complaint. According to the OPS investigation, the officer who issued the ticket stated that he had no prior knowledge of the complainant before the traffic ticket and did not know of the complaint. Mr. Sarfoh stated that the complainant does not deny speeding and he was charged with driving 50 miles in a 30 but simply states that it was retaliatory. Mr. Sarfoh stated that here the complainant did not complain of the officers' conduct or demeanor in issuing the ticket, admitted to speeding but alleged that the ticket was issued as a retaliation.

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

Mr. Sarfoh stated that the on the conduct standards allegation the OPS recommendation is *exonerated* which the where the acts which provide the basis for the complaint occurred, but the review shows that such acts were proper. The complainant alleged that he was contacted by an OPS detective who was bullish and defensive regarding his original complaint. According to the OPS investigation, a recorded telephone call between the complainant and the detective regarding the original complaint indicated the detective asking probative questions in an attempt to obtain information to aid in the investigation of the complaint. The phone call was concluded in a cordial manner, and there was no indication of bullish or defensive language on the part of the detective.

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

CPRB No. 31-14/OPS No. CC2014-044 (Presented by E. Smart)

Chairman Edward Smart summarized the complaint. The complainant alleged that he is being targeted by an officer who wrote the complainant five (5) tickets for open container. Further it is alleged that the officer made statements of wanting sexual favors from the complainant.

Chairman Smart reported that he reviewed the following documents: Complainants Citizen Form; Quality of Life Issues; Neighborhood Engagement; Times Union Article "Reconnect" dated 1/19/2011; Times Union Article "Shift Tactics" dated 10/21/2010; Dallas Report; Confidential Report; Two (2) Tickets Issued for Alcohol Open Container from 1:20 AM and 1:00 PM; Two (2) Safety Net Web; Arrest Record; and One (1) IDC.

Chairman Smart stated that there was no monitor assigned to this case.

Chairman Smart stated that the on the conduct standards allegation the OPS recommendation is *not sustained* which is where the review fails to disclose sufficient facts to prove or disprove the allegation made in the complaint. The complainant alleged that he is being targeted by an officer who wrote him five (5) tickets for open container, further it is alleged that the officer made statements of wanting sexual favors from the complainant. According to the OPS investigation, the complainant has an extensive history of police contact for consuming alcoholic beverages in public and other alcohol related offences. While filing his complaint the complainant was observed to be highly intoxicated. According to the OPS investigation, the officer denied making any statements regarding sexual favors. The officer is assigned to the Neighborhood Engagement Unit and tasked with community policing and addressing quality of life issues, therefore it is reasonable that the officer would have multiple contacts with a homeless individual exhibiting obvious signs of alcoholism.

Chairman Smart stated that the action of this officer was not in the spirit of the Neighborhood Engagement Unit. Micromanaging a citizen without a lasting approach or resolution is a band-aid solution to a deep seated problem. There is a non-emergency program which requires a creative solution. Issuing tickets that might not be paid by a homeless person simply creates more problems. The action by the officer is not one which would create community trust and it doesn't reflect the philosophy of the Chief of Police. Chairman Smart concluded that although he agrees with the OPS finding of *not sustained*, he believes there is an issue with policy and training for this issue.

Mr. Sarfoh asked if this complainant is homeless and has an alcohol problem, was this individual being disorderly or doing something disruptive?

Chairman Smart stated that he had looked up the Chief's policy and saw that he wanted to work with the community and help with community problems. Chairman Smart stated that if we want to address quality of life issues the department should not issue tickets to a homeless man but should first try and find him a place to stay.

Mr. Sarfoh stated that he agreed with the Chairman's point but was unsure as the Board does not know if prior to ticketing this man he was offered advice or help in finding a shelter. Mr. Sarfoh stated that the Chief's policy is connecting people with appropriate services but this Board doesn't know if that did or did not happen here. Mr. Sarfoh stated that it is clear from what information we have that this complainant has an issue with alcohol and he may have difficulty with complying with the officers attempt to get him help if that did occur. Mr. Sarfoh stated that ticketing this individual may have been all the officer could do, because other citizens in the area who have legitimate complaints about this individual and if the officers ignore that by not ticketing this individual the other citizens may have complaints about the officers not helping the situation. Mr. Sarfoh stated that treatment is an individualized issue and without more facts he would not like to make a decision about training this officer as these situations are very fact determinate and the Board does not have the information in this case.

Chairman Smart stated he wanted to quote the Chief as saying "the Neighborhood Engagement Units represent the tip of the spear of Krokoff's efforts to make the department's image by restoring community policing a process that began in the fall ... new community policing philosophy that will reconnect and develop vital partnerships with the citizens it serves." Chairman Smart stated that this quote means to him that members of the Neighborhood Engagement Unit are to be attempting to foster relationships between citizens above and beyond what the normal officer is to do, and additionally if they see a pattern they should reach out and get the help a person needs.

Mickey Bradley stated that this may be an issue of officers following the letter but not necessarily the spirit of the laws that we have. Mr. Bradley stated that he enjoyed the quote from the Chief and also understood Mr. Sarfoh's point that the Board does not know some of the other underlying facts that would help making a decision about training. Mr. Bradley stated that he does not know if training would be appropriate because the officers would simply receive the same policy that allows this interaction. Mr. Sarfoh stated that he doesn't know if training would do what the chairman is suggesting which would be to train the officer to act more in line with the Chief's vision.

Akosua Yeboah stated that there is the ACPAC Committee which does work with increased community officer relationships. Ms. Yeboah asked if there would be a way to engage with that committee to look into this particular matter.

Edward Smart moved to concur with the OPS finding of *not sustained* on for the call handling allegation with the additional finding of *ineffective policy or training*. Maritza Martinez seconded the motion. The motion carried unanimously.

B. Appointment of New Members to the committee on Complaint Review for December 2014

Chairman Smart stated that there are no cases that will be ready for review in December, and therefore there is no need for the appointment of New Members to the committee on Complaint Review for December 2014.

The next meeting will be scheduled for January 8, 2015.

The following Board members were appointed to the Committee on Complaint review for January 8, 2014.

David Rozen, Akosua Yeboah, Edward Smart, Mickey Bradley, Eugene Sarfoh.

C. Committee Task Force Reports

By-Laws and Rules

Committee Chair David Rozen stated that he had no report at this time.

Community Outreach

Committee Chair Akosua Yeboah stated that she had no report at this time

Chairman Smart asked if she could speak to ACPAC regarding the issue raised in the previous complaint. Ms. Yeboah stated that she would.

Mediation

Committee Chair Mickey Bradley stated that the committee has continued to seek an individual to train the mediators. The committee contacted the individual they identified at the NACOLE conference but unfortunately this individual was not familiar with the operating procedures that the board would be using. The committee has identified Peter Glassman as a potential candidate for the training, and Sharmaine Moseley will reach out to him about preparing the training.

Chair Mickey Bradley stepped down to continue being chair of Police Department Liaison-Policy Review/ Recommendations. Maritza Martinez accepted the position as Mediation Committee Chair.

Police Department Liaison-Policy Review/ Recommendations

Committee Chair Mickey Bradley stated that he has been informed that he cannot serve as chairman of two (2) committees. Mr. Bradley stated that while he does not have a report this meeting it is his feeling that some of the issues brought up at tonight's meeting have given him ideas for this committee. Mr. Bradley stated that he would like to continue being this committee's Chair.

Public Official Liaison

Committee Chairman Edward Smart stated that he had no report at this time.

Chairman Smart stated that there is a meeting on December 9 with University of Albany regarding benchmarking.

Task Force on Monitors

Task Force Chair Eugene Sarfoh stated that he needs to follow up with Sharmaine and create a plan 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 a meeting to 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

Included in tonight's packets is the complaint database scorecard. To date, there are currently forty four (44) active complaints. Of those forty four (44) active complaints, five (5) were reviewed and closed by the Board at tonight's meeting. This leaves the Board with thirty nine (39) active complaints. We have no cases in the backlog.

Six hundred twenty two (622) 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 seventy (670).

Since your last meeting, the GLC received three (3) grievance forms, bringing the total number of forms received to five hundred fifty (550). In response to our outreach to all individuals, we have received one hundred fifty one (151) CPRB complaint forms, which is twenty eight percent (28%).

Board Vacancies

There are two (2) vacancies on the Board. One (1) is Mayoral and the other is from the Common Council.

Upcoming Meetings

There is a meeting scheduled for November 10 at 5 p.m. to discuss setting with SUNY staff benchmarking goals for the CPRB.

Albany Law School Holidays

Albany Law School will be closed from November 26- 28 for the Thanksgiving holiday, and Ms. Mosley will be out of the office all next week. Albany Law School will also be closed during the last two (2) weeks in December for the Christmas break.

F. *Report from the Office of Professional Standards*

OPS Detective Kathy Hendricks and Commander Hicks were present. Commander Hicks reported that there are no cases backlogged, as there are five (5) or six (6) cases that are on his desk waiting to be signed off.

Commander Hicks stated that there were a total of fifty (50) reports that came into the early warning system with twenty six (26) incidents and twenty four (24) overall alerts. Commander Hicks stated that an incident can be anything from an EMS call to a booking or an officer using excessive force.

G. *Report from the Chair*

Chairman Edward Smart stated that he had given his report throughout the meeting.

V. **Public Comment**

Chairman Edward Smart opened the floor for public comment.

An individual stated that he had a comment regarding CPRB No. 12-14. The individual stated that he has heard a lot about the cameras in the vehicles, and he is familiar with the video that is captured by the cameras. The individual stated that in his experience the cameras only capture about five (5) feet in either direction, so if an officer parks to the side of an individual, with another car in front of the vehicle or a block away there would be no video of the incident. This individual stated that it would be his hope that a one hundred percent (100%) reliance on the cameras does not always mean an exoneration of an individual one (1) way or the other. This individual stated that the cameras are stationary, so when the officer left his vehicle and stood on the side he was not in the video. The individual stated that again in regard to CPRB No. 12-14 the city and the officers would probably have an issue with someone attempting to break into their car at 2:30 in the morning; the city would not like you smashing your window on a city street. The individual stated that when someone's vehicle is in the street they do not have the right to break in, potentially leaving glass that would require clean up.

The individual continued, in his own experience he knows that the APD is not allowed to "slim jim" a vehicle to help get keys out, so while the complainant in CPRB No. 12-14 may have seen security at St. Rose help someone or U Albany security use a "slim jim" the APD would not do that.

VI. **Adjournment**

Chairman Edward Smart adjourned the meeting at 7:35 p.m.

Respectfully Submitted,


Secretary

