

City of Albany

Annual Report 2013

Submitted by
The Government Law Center of Albany Law School
on behalf of the
City of Albany Citizens' Police Review Board



CITIZENS' POLICE REVIEW BOARD

Thirteenth Annual Report of the City of Albany
Citizens' Police Review Board

Submitted to:

The Mayor of the City of Albany
The Common Council of the City of Albany
The Police Chief of the City of Albany

TABLE OF CONTENTS

BACKGROUND	1
DEFINITIONS	1
INTRODUCTION	1
ORGANIZATION OF THE BOARD	2
<i>APPOINTMENTS/RE-APPOINTMENTS</i>	2
<i>VACANCIES</i>	3
<i>NEW MEMBER CITIZENS' POLICE ACADEMY</i>	3
<i>OFFICERS</i>	3
COMPLAINT REVIEW: SUMMARIES AND STATISTICS	4
<i>NUMBER OF COMPLAINTS FILED</i>	5
<i>APPOINTMENT OF MONITORS</i>	6
<i>RACE/ETHNICITY AND GENDER OF THE COMPLAINANT AND THE OFFICER(S)</i>	6
<i>ALLEGATIONS CONTAINED IN THE COMPLAINTS</i>	7
<i>SUSPENSION OF REVIEW</i>	9
<i>BOARD AND POLICE DEPARTMENT FINDINGS</i>	9
<i>FURTHER INVESTIGATION/BOARD ACTION</i>	11
<i>MEDIATION</i>	12
<i>COMPLAINTS REVIEWED AND CLOSED</i>	12
GRIEVANCE FORM REVIEW: SUMMARIES AND STATISTICS	13
REPORTS	13
MEETINGS OF THE BOARD	13
CONCLUSION	14

BACKGROUND

In July 2000, legislation creating the City of Albany Citizens' Police Review Board (the "Board") was signed into law, adding part 33 to Chapter 42 (Departments and Commissions) of the Code of the City of Albany. The purpose of this legislation was to create an independent review body to review and comment on completed investigations of complaints made by citizens against officers of the City of Albany Police Department for alleged misconduct. Its goals were to improve communication between the Police Department and the community, to increase police accountability and credibility with the public, and to create a complaint review process that is free from bias and knowledgeable of actual police practices.

DEFINITIONS

For purposes of this report, the following words and phrases shall have the meaning described in this report:

COMPLAINT – A written statement concerning police conduct which is either submitted to the Citizens' Police Review Board for filing with the Albany Police Department or filed directly with the Albany Police Department.

GRIEVANCE FORM – An APD form used to gather contact information from the complainant and forwarded to the Government Law Center for CPRB outreach purposes.

CPRB or BOARD – The Citizens' Police Review Board.

GOVERNMENT LAW CENTER (GLC) – The Government Law Center of Albany Law School.

MEDIATION – A structured dispute resolution process in which a neutral third party assists the disputants to reach a negotiated settlement of their differences.

OFFICER – Any sworn police officer of the City of Albany Police Department affected by a citizen complaint.

OFFICE OF PROFESSIONAL STANDARDS (OPS) – The Professional Standards Unit of the City of Albany Police Department.

INTRODUCTION

In a unique arrangement, the Government Law Center of Albany Law School was retained by the City of Albany to provide a number of services to the Board, the City, and the community. Among the services to be provided, §42-340 of the legislation requires that the Government Law Center "file annual reports with the Common Council and the Mayor [,] which contain statistics and summaries of citizen complaints, including a comparison of the [Board's] findings with the final determinations of the [Police] Department" on behalf of the Board. This is the Thirteenth Annual Report so submitted, covering the Board's operations from November 1, 2012 to October 31, 2013.

ORGANIZATION OF THE BOARD

The Board is comprised of nine members, five members appointed by the Common Council, and four members appointed by the Mayor, who serve for three-year staggered terms. In selecting the members of the Board, the legislation provides that the Common Council and the Mayor shall endeavor to reflect community diversity in their appointments, and requires that members of the Board reside in the City of Albany; possess a reputation for fairness, integrity, and responsibility; have a demonstrated interest in public affairs and services; and neither be an officer or employee nor a relative of an officer or employee of the City of Albany.

The following members constituted the Board during its thirteenth year of operation:

Mickey Bradley

Appointed: 2/6/2012
Date Original Term Expires: 10/26/2014

Marilyn Hammond

Appointed: 12/3/2008
Date Original Term Expired: 10/26/2011
Re-Appointed: 11/03/2011
2nd Term Expires: 10/26/2014

Maritza Martinez

Appointed: 2/6/2012
Date Original Term Expires: 10/26/2012
Re-Appointed: 2/7/2013
2nd Term Expires: 10/26/2015

William McCarthy

Appointed: 9/12/2013
Date Original Term Expires: 10/26/2016

Anthony Potenza

Appointed: 10/5/2006
Date Original Term Expired: 10/26/2008
Re-Appointed: 3/23/2010
2nd Term Expires: 10/26/2014

David Rozen

Appointed: 10/15/2012
Date Original Term Expires: 10/26/2013
Re-Appointed: 2013
1st Full Term Expires: 10/26/2016

Eugene Sarfoh

Appointed: 1/3/2011
Date Original Term Expires: 12/31/2014

Reverend Edward Smart

Appointed: 3/20/2008
Date Original Term Expired: 10/26/2009
Re-Appointed: 3/23/2010
1st Full Term Expired: 10/26/2012
Re-Appointed: 6/25/2013
2nd Term Expires: 10/26/2015

Akosua Yeboah

Appointed: 12/21/2009
Date Original Term Expires: 10/26/2012
Re-Appointed: 6/25/2013
2nd Term Expires: 10/26/2015

Appointments and Reappointments

First Quarter

During the first quarter of 2013, the Board filled the (1) vacancy created by Patrick Toye's July 1, 2012 resignation. The Common Council appointed David A. Rozen, Esq. to complete Patrick Toye's term. The following Board members terms expired in the first quarter; Reverend

Edward B. Smart, Maritza Martinez, Akosua Yeboah, and Andrew Phelan, Jr. Mr. Phelan has served two consecutive terms on the Board and therefore is not eligible for reappointment. The remaining three board members are eligible for reappointment.

Second Quarter

The Board was awaiting letters of reappointment for Chairman Edward Smart. In May, the Board received reappointment letters for Maritza Martinez and Akosua Yeboah. The Board still had a mayoral vacancy created by former Board member Andrew Phelan.

Third Quarter

The Board was still awaiting a letter of reappointment for Chairman Edward Smart.

Fourth Quarter

William McCarthy was appointed by the Mayor to fill the vacancy left by Andrew Phelan, Jr. William McCarthy's first term is set to expire on October 26, 2016. Edward Smart was reappointed by the Mayor to a second three-year term, which is set to expire October 26, 2015.

Vacancies

The Board had one (1) Mayoral vacancy in the second and third quarter after Andrew Phelan completed his second full term and was no longer eligible for reappointment. In the fourth quarter of 2013, William McCarthy was appointed by the mayor to fill the vacancy.

New Member Citizens' Police Academy

Attendance at the Academy is a part of the Board's training requirement. The Citizens' Police Academy consists of fifteen (15) three-hour training sessions. These sessions included an overview of the Albany Police Department, including its command structure; patrol unit; and the Office of Professional Standards.

During the second quarter of 2013, new Board member David Rozen had enrolled and was participating in the Albany Citizens' Police Academy.

Officers

During its thirteenth year of operation, the Board's officers were:

Chair	Reverend Edward B. Smart
Vice-Chair	Anthony Potenza
Secretary	Andrew Phelan, Jr. <i>*ended in January 2013</i> Akosua Yeboah

During the second quarter of 2013, nominations were held for the positions of Chair, Vice-Chair, and Secretary pursuant to the Board's Bylaws (Art. IV, Section 1). Reverend Edward Smart was nominated for the Chair position, Anthony Potenza was nominated for the Vice-Chair position, and Akosua Yeboah was nominated for the position of Secretary. The slate was presented, voted on, and approved unanimously at the Board's March 14, 2013 meeting. Reverend Edward Smart was re-elected as Chairman; Anthony Potenza was re-elected as Vice-Chair; and Akosua Yeboah was elected as Secretary.

COMPLAINT REVIEW: SUMMARIES AND STATISTICS

Section 42-340C of Chapter 42, Part 33 of the Albany City Code charges the Board with providing "statistics and summaries of citizen complaints, including a comparison of [its] findings with the final determinations of the [Police] Department."

First Quarter

The Board received ten (10) new complaints in addition to its twenty-seven (27) active complaints and eighteen (18) suspended complaints. Monitors were appointed to investigate seven (7) of the ten (10) new complaints. Of the thirty-seven (37) complaints before the Board, the Board presented thirteen (13) complaints for review and rendered findings for the allegation(s) contained in all eleven (11) complaints. These eleven (11) complaints were closed and contained a total of twenty-three (23) allegations of misconduct. As to the eleven (11) complaints that were reviewed and closed, the Board made findings consistent with the preliminary findings of the Office of Professional Standards in ten (10) cases.

Second Quarter

The Board received seven (7) new complaints in addition to its thirty-three (33) active complaints and twelve (12) suspended complaints. Monitors were appointed to investigate four (4) of the seven (7) new complaints. Of the forty (40) complaints before the Board, the Board presented five (5) complaints for review and rendered findings for the allegation(s) contained in all five (5) complaints. These five (5) complaints were closed and contained a total of thirteen (13) allegations of misconduct. As to the five (5) complaints that were reviewed and closed, the Board made findings consistent with the preliminary findings of the Office of Professional Standards in all five (5) cases.

Third Quarter

The Board received sixteen (16) new complaints in addition to its thirty-five (35) active complaints and twelve (12) suspended complaints. Monitors were appointed to investigate eight (8) of the sixteen (16) new complaints. Of the fifty-one (51) complaints before the Board, the Board presented twelve (12) complaints for review and rendered findings for the allegation(s) contained in twelve (12) complaints. These twelve (12) complaints were closed and contained a total of thirty-two (32) allegations of misconduct. As to the twelve (12) complaints that were reviewed and closed, the Board made findings consistent with the preliminary findings of the Office of Professional Standards in ten (10) cases.

Fourth Quarter

The Board received nineteen (19) new complaints in addition to its thirty-nine (39) active complaints and twelve (12) suspended complaints. Monitors were appointed to investigate seven (7) of the nineteen (19) new complaints. Of the fifty-eight (58) complaints before the Board, the Board presented five (5) complaints for review and rendered findings for the allegation(s) contained in four (4) complaints. These four (4) complaints were closed and contained a total of eight (8) allegations of misconduct. As to the four (4) complaints that were reviewed and closed, the Board made findings consistent with the preliminary findings of the Office of Professional Standards in four (4) cases.

In the fourth quarter the Board dismissed one (1) complaint without review due to the unwillingness of the complainant to peruse their complaint. In the fourth quarter it was reported that that a complaint tabled in the first quarter had been successfully mediated. The Board voted to accept OPS finding of Exonerated in that case.

Number of Complaints Filed

During its thirteenth year of operation (November 1, 2012 to October 31, 2013), the Board received a total of fifty-two (52) new complaints (See Figure 1.) The Board received an average of four point three (4.3) complaints per month from November 2012 to October 2013. These complaints included those filed with the Board directly (filed either in person, by regular U.S. mail, or via facsimile) and those filed with the Board through the Office of Professional Standards (OPS).

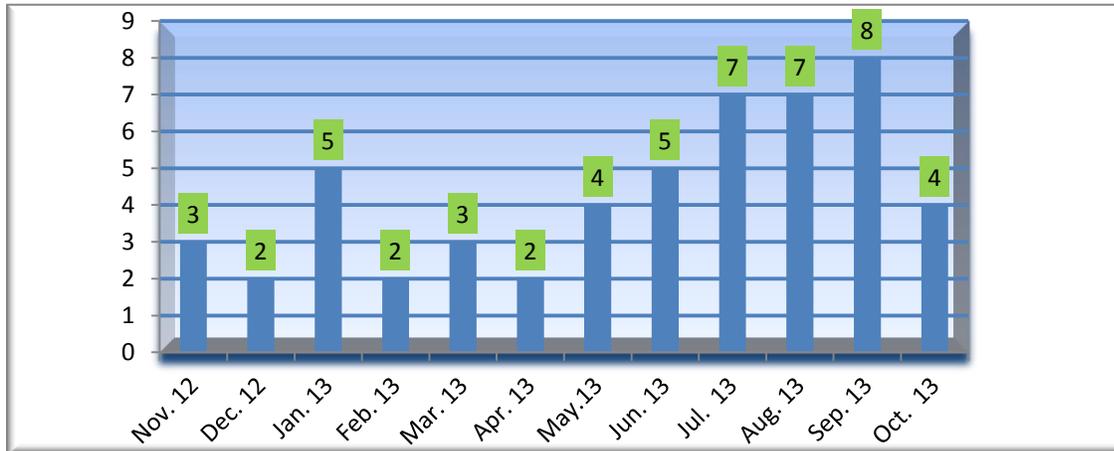


Figure 1: Monthly breakdown of complaints filed November 1, 2012 to October 31, 2013
Total fifty-two (52).

Since the Board's inception (October 27, 2000 to October 31, 2013), the Board received a total of six hundred and twenty-seven (627) complaints (See Figure 2.) The Board received an average of forty-eight point two (48.2) complaints per year. These complaints included those filed with the Board directly (filed either in person, by regular U.S. mail, or via facsimile) and those filed with the Board through the Office of Professional Standards (OPS).

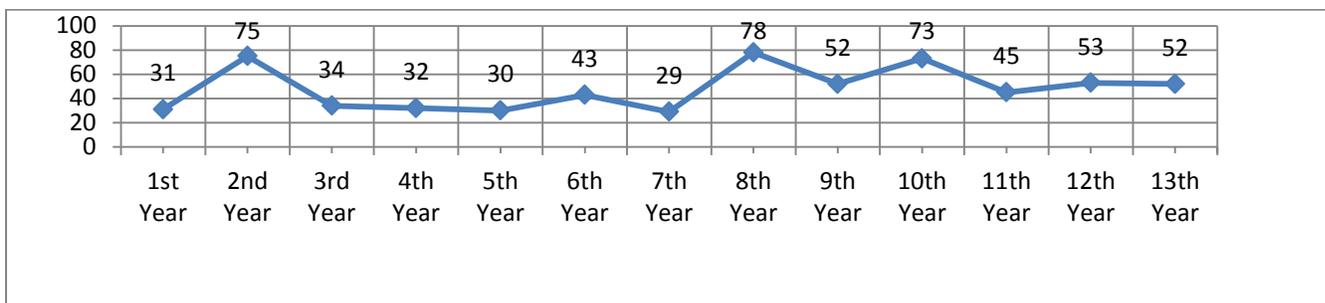


Figure 2: Yearly breakdown of complaints filed October 27, 2000 to October 31, 2013
Total six hundred and twenty-seven (627).

Appointment of Monitors

Under § 42-343(B)(1) of the legislation, the Board is required to appoint an individual to observe and monitor the Office of Professional Standards’ investigation of a complaint “in the event the complaint alleges use of force or a violation of civil rights.” Of the fifty-three (52) complaints filed in the thirteenth year, the Board appointed a monitor to observe the OPS’s investigation of twenty-six (26) complaints.

Race/Ethnicity and Gender of the Complainant and the Officer(s)

Complainants who file a Citizen Complaint Form with the Board may, at their option, include information relating to their race/ethnicity and gender. Of the fifty-two (52) complaints filed with the Board in the thirteenth year, thirty-two (32) contained information from the complainant regarding the complainant’s gender; thirty-one (31) contained information from the complainant regarding the complainant’s race/ethnicity; and thirty (30) contained information from the complainant regarding the complainant’s gender and race/ethnicity. The thirty-two (32) identified complainants out of these fifty-two (52) complaints were comprised of: eight (8) African-American females; twelve (12) African-American males; four (4) Caucasian females; six (6) Caucasian males; one (1) other female; one (1) other male (See Figure 3).

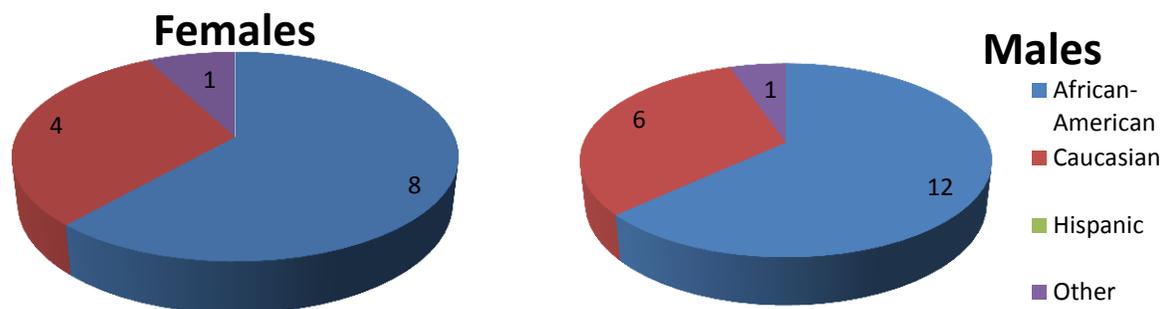


Figure 3: Race/Ethnicity and Gender of the Complainant

Of the fifty-two (52) complaints filed with the Board in the thirteenth year, fifty-two (52) complaints were submitted on a complaint form. Of those fifty-two (52) complaints, twenty (20) complainants chose not to submit information regarding their race/ethnicity and/or gender. In three (3) of the fifty-two (52) complaints, the complainants chose not to submit information regarding their race/ethnicity and/or gender and this information could not be determined based on language contained in the reports. In sixteen (16) of the fifty-two (52) complaints, the gender of complainant, ten (10) males and six (6) females, were determined by language contained in the complaint form, the Office of Professional Standards' preliminary report, and/or the report of the monitor, if a monitor was assigned to the complaint.

In addition to the optional section provided for complainants, the Citizen Complaint Form provides a section for the complainant to enter descriptive information about the officer(s) who are the subject of the complaint. In this section, the complainant is asked to provide race/ethnicity and gender information about the officer(s), if known. Sixty-one (61)¹ police officer descriptions, including race/ethnicity and/or gender, were included within the fifty-two (52) complaints filed with the Board in the thirteenth year.

Thirty-eight (38) of the fifty-two (52) complaints filed with the Board included information about the police officer's gender provided by the complainants. Of the fifty-four (54) gender description contained in the complaints thirty-eight (38) of those descriptions were redacted. Of the thirty-eight (38) redacted descriptions thirty-seven (37) male; and one (1) female.

The ethnicity/race of forty-seven (47) police officers was provided by the complainants. Forty (40) of the forty-seven (47) police officer ethnicity/race descriptions, however, were redacted by the Office of Professional Standards. Therefore, in those forty (40) descriptions, the ethnicity/race of the police officers could not be ascertained from the language contained in the complaints. The seven (7) police officer ethnicity/race descriptions that were not redacted identified seven (7) police officers as Caucasian.

Of the fifty-two (52) complaints filed with the Board in the thirteenth year, descriptions regarding the race/ethnicity and/or gender for police officers in five (5) complaints were either not included or the information was unknown. Forty (40) police officer names were provided by the complainant, but were redacted by the Office of Professional Standards.

Allegations Contained in the Complaints

In the thirteenth year of operation, the number of allegations was determined in thirty-three (33) of the fifty-two (52) complaints filed with the Board. Thirteen (13) of the thirty-three (33) complaints contained a single allegation of misconduct against an officer or officers of the Albany Police Department. Twenty (20) of the thirty-three (33) complaints contained multiple allegations, with a majority of these complaints averaging two (2) misconduct allegations. The allegations could not be determined for nine (9) of the fifty-two (52) complaints filed with the Board, because;

¹It should be noted that the Board is not privy to any information that would identify the officers who are the subject of a citizen complaint. Therefore, it is not known whether these Sixty-one (61) police officer descriptions are of Sixty-one (61) different officers or are of a number of the same officers.

four (4) complaints were closed with no review and/or the Mayor suspended the review of five (5) cases pending legal action.

Sixty-six (66) allegations were made in the thirty-three (33) complaints where allegations could be determined. Of the sixty-six (66) allegations, the Board identified four (4) categories of allegations. Ten (10) sub-categories of allegations were also identified, one (1) of which fell under the category of Arrest Authority and Procedures, four (4) of which fell under the category of Call Handling, four (4) of which fell under the category of Unprofessional Conduct Standards, and one (1) of which fell under the category of Use of Force. In identifying these categories and subcategories of allegations, the Board accounted for the complainant’s own classification of the allegations contained in his or her complaint.

Arrest Authority and Procedures	10
False/Illegal/Improper/Unlawful Arrest	1
Call Handling	14
Failure to Give Miranda Warning	1
Failure to Complete Report/Investigate/Handle Report	1
Illegal/improper/ unlawful bodily search	2
Illegal/improper/ unlawful search	2
Unprofessional Conduct Standards	13
Rude/Disrespectful	2
Derogatory/Inappropriate/Profane/Offensive/Vulgar/Threatening/Racially-Biased/Unnecessary Language	5
Racial Bias	1
Race Based Stop	1
Use of Force	4
Excessive Use of Force	9

Figure 4: Allegations Contained in Complaints Filed - Total 66

Figure 4 illustrates the allegations made in thirty-three (33) identifiable complaints filed with the Board. Given that many of these complaints contained more than one allegation, the total number of allegations made is not equal to the number of complaints filed with the Board.

Seventeen percent (17%) of the allegations identified were classified as arrest authorities and procedures.

Thirty percent (30%) of the misconduct alleged was classified as call handling. Call handling included: racial bias; improper handling of personal property; failure to complete report/investigate/handle report; and refusal of medical treatment.

Thirty-three percent (33%) of the allegations identified in the complaints were classified as unprofessional conduct standards. Unprofessional conduct standards included allegations of rude/disrespectful behavior toward the complainant; language; harassment; civil rights violation; intimidation; racial bias; and unlawful ticketing. Language was identified as unnecessary, derogatory, inappropriate, profane, offensive, vulgar, threatening, or racially-biased.

Use of force accounted for twenty percent (20%) of the misconduct alleged. The use of force allegations were identified as excessive.

Suspension of Review

“Upon the written recommendation of the Corporation Counsel, the Common Council or the Mayor may suspend the [Board’s] review of any complaint where a separate criminal investigation is underway or where a civil action against the City is underway, or pending.” (See § 42-348). At the beginning of its thirteenth year of operation, the Board had seventeen (17) suspended complaints, which were carried over from previous years of operation. (November 1, 2012 – October 31, 2013). Two (2) of the seventeen (17) suspended complaints were filed in the Board’s sixth year of operation (November 1, 2005 – October 31, 2006). Two (2) of the seventeen (17) suspended complaints were filed in the Board’s seventh year of operation (November 1, 2006 – October 31, 2007). Two (2) of the seventeen (17) suspended complaints were filed in the Board’s eighth year of operation (November 1, 2007 – October 31, 2008). Five (5) of the seventeen (17) suspended complaints were filed in the Board’s ninth year of operation (November 1, 2008 – October 31, 2009). Two (2) of the seventeen (17) suspended complaints were filed in the Board’s tenth year of operation (November 1, 2009 – October 31, 2010). One (1) of the seventeen (17) suspended complaints was filed in the Board’s eleventh year of operation (November 1, 2010 – October 31, 2011). Three (3) of the seventeen (17) suspended complaints were filed in the Board’s twelfth year of operation (November 1, 2011 – October 31, 2012). Ten (10) of the seventeen (17) suspended complaints had their suspension lifted in the Board’s thirteenth year. Five (5) additional claims were suspended during the Board’s thirteenth year (November 1, 2012 – October 31, 2013). The Board ended its thirteenth year of operation with twelve (12) suspended complaints.

Board and Police Department Findings

At the conclusion of the Office of Professional Standards’ investigation of a citizen complaint, the Police Department is required to submit a preliminary report of its findings to the Board. (See § 42-343(E)). Following its review and deliberation of a complaint, which may include, in appropriate cases: 1) review of the complaint, the OPS’s preliminary report, the monitor’s report, if one has been assigned to the complaint, transcripts, and any other information contained in the Board’s complaint file and the OPS’s investigative file, which is not confidential

and/or otherwise protected by state, federal, local law, or by the collective bargaining agreement; 2) presentations made by monitors; and 3) questioning of detectives from the OPS and officers of the Police Department, the Board is authorized by § 42-343(F)(1) of the legislation to render a finding or findings on the complaint. The Chief of Police must then “review the Department’s preliminary report in light of the [Board’s] finding and . . . make the Department’s final determination.” (See § 42-345).

2011-2012

In the Board’s twelfth year of operation, fifty-three (53) complaints were filed with the Board. In addition, forty-nine (49) active complaints were carried forward from the Board’s eleventh year of operation. The Board reviewed fifty-four (54) complaints and rendered findings for forty-five (45) complaints. Thirty-four (34) of the fifty-four (54) complaints reviewed were previously not reviewed and were, therefore, carried forward into the Board’s twelfth year of operation. Out of the thirty-four (34) complaints that were carried forward from the Board’s eleventh year of operation, the Board reviewed and rendered findings for thirty-three (33) of those complaints. Seven (7) complaints were filed in the tenth year and carried forward into the twelfth year; and twenty-nine (29) complaints were filed in the eleventh year and carried forward into the twelfth year.

2012-2013

In the Board’s thirteenth year of operation, fifty-two (52) complaints were filed with the Board. In addition, twenty-nine (29) active complaints were carried forward from the Board’s twelfth year of operation. The Board reviewed thirty-three (33) complaints and rendered findings for thirty-one (31) complaints. Twenty-nine (29) of the thirty-three (33) complaints reviewed were previously not reviewed and were, therefore, carried forward into the Board’s thirteenth year of operation. One (1) complaint had previously been suspended. Three (3) complaints were complaints received during the thirteenth year of operation. Out of the thirty-three (33) complaints reviewed in the Board’s thirteenth year of operation, the Board reviewed and rendered findings for thirty-one (31) of those complaints. One (1) complaint was filed in the sixth year, three (3) complaints were filed in the eighth year, one (1) complaint was filed in the ninth year, twenty-two (22) complaints were filed in the twelfth year, and four (4) were filed in the thirteenth year of the Board’s operation.

Out of the fifty-two (52) complaints that were filed in the Board’s thirteenth year, the Board reviewed five (5) and rendered findings for the allegations contained in four (4) Complaints.

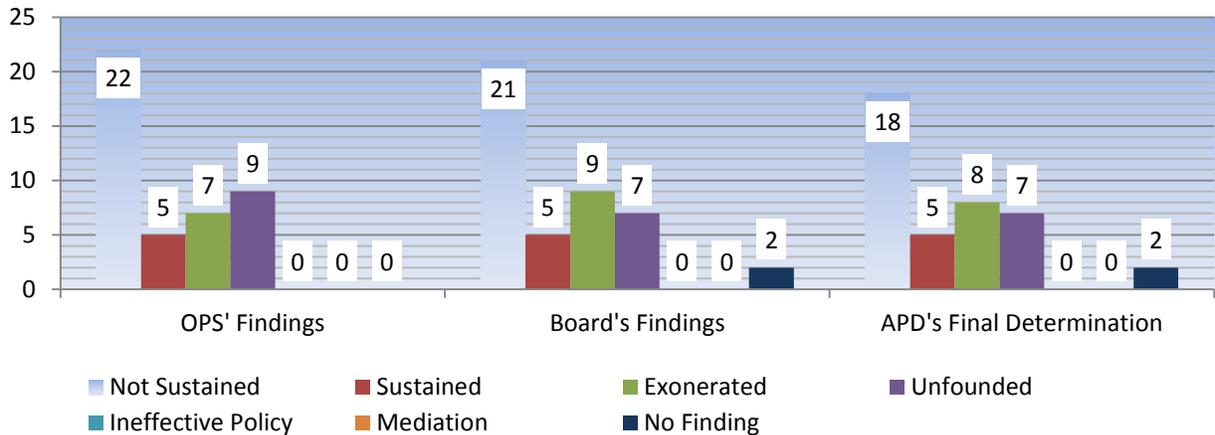


Figure 5: Comparison of the findings made by the Board and the findings made by the Police Department, including the preliminary findings of the Office of Professional Standards and the Albany Police Department’s final determinations (November 1, 2012 - October 31, 2013).

In its thirteenth year of operation, since twenty-four (24) of the thirty-three (33) complaints that were reviewed and closed contained multiple allegations of misconduct, the number of findings made is not equal to the number of complaints in which findings were rendered. The thirty-three (33) complaints that were reviewed and closed contained a total of forty-four (44) allegations of misconduct.

Further Investigation/Board Action

Under § 42-343(F)(2) of the legislation, the Board may, after its “review and deliberation of the preliminary report of the Department’s finding . . . request that Professional Standards conduct further investigation of the complaint.”

In its thirteenth year of operation, of the thirty-three (33) complaints reviewed, the Board sent zero (0) complaint(s) reviewed back to the Office of Professional Standards for further investigation and/or because the motions made by the Board failed. One (1) complaint was reviewed more than once during the thirteenth year and closed.

CPRB No. 18-12/OPS No. CC2012-038 was initially reviewed by the Board in November 2012, the Board withheld its determination pending the outcome of mediation. This complaint was reviewed by the Board again in September 2013, where it was deliberated, voted on, and closed by the Board.

CPRB No. 30-12/OPS No. CC2012-064 was tabled by the board in November 2012. The Board voted to give the complainant additional time to prepare. This complaint was reviewed by the Board again in March 2013, where it was deliberated, voted on, and closed by the Board.

Six (6) complaints were closed without review during the Board’s thirteenth year. These actions included the Board voting not to accept and review these complaints due to various jurisdictional defects or were filed without proper standing. These complaints were made against

entities where the Board does not have review power over.

Mediation

After a complaint is filed, § 42-346(C) of the legislation provides that “the complainant or officer may at any time in the review process utilize the [Board’s] mediation process . . . to resolve the complaint. Additionally, the Board is authorized under § 32-343(F)(4) to refer the complaint to mediation following its review and deliberation of the Department’s preliminary report of its findings. In the thirteenth year of operation, the Board was informed that one (1) complaint had successfully completed an informal mediation process.

On October 31, 2013, the Government Law Center, the APD, and the Board held at press conference at Albany Law School announcing an important milestone for the Board. At the press conference, with the approval of the APD and the police union, plans to launch a new mediation program to be administered by the GLC and the Board was announced. The APD and the police union are now fully on board with having this outlet for the resolution of complaints. This process will give complainants an alternative rather than having his/her complaint investigated the APD’s Office of Professional Standards. Only certain complaints are eligible for mediation.

Complaints Reviewed and Closed

At the conclusion of the twelfth year of operation, the Board had not yet made findings with respect to forty-seven (47) complaints, thirty (30) of which are open and active complaints and seventeen (17) of which are complaints that have been suspended from the Board’s review. None of these forty-seven (47) complaints will be reported in the Board’s Twelfth Annual Report and, therefore, they all were carried forward into the thirteenth year.

At the conclusion of the thirteenth year of operation, the Board had not yet made findings with respect to sixty-two (62) complaints, fifty (50) of which are open and active complaints and twelve (12) of which are complaints that have been suspended from the Board’s review. None of these sixty-two (62) complaints will be reported in the Board’s Thirteenth Annual Report and, therefore, they all will be carried forward into the fourteenth year.

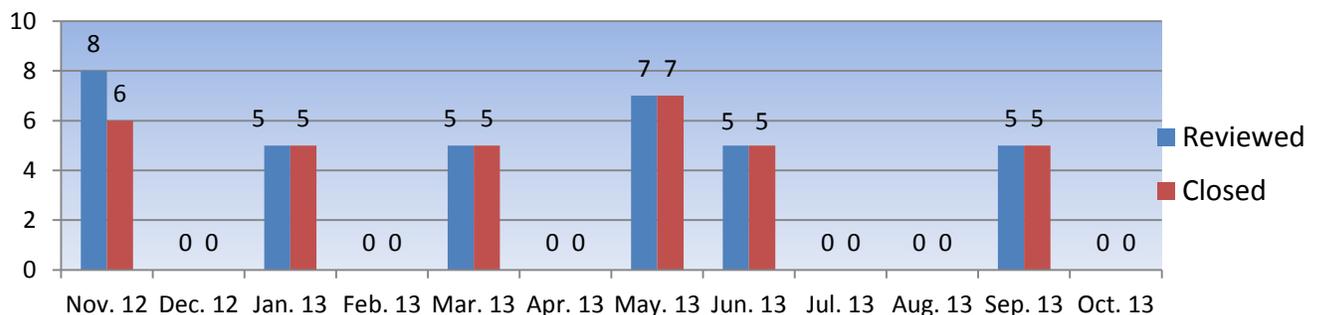


Figure 6: Monthly Comparison of Complaints Reviewed and Closed for the period November 1, 2012 to October 31, 2013.

GRIEVANCE FORM REVIEW: SUMMARIES AND STATISTICS

In its thirteenth year of operation, the Board received ninety-eight (98) new grievance forms from the OPS, in addition fifty-one (51) grievance forms that were received in its eighth year of operation, sixty-six (66) grievance forms that were received in its ninth year of operation, ninety-one (91) grievance forms that were filed in its tenth year of operation, and eighty-five (85) grievance forms that were filed in its eleventh year of operation. In its twelfth year the Board received ninety-five (95) new grievance forms. Out of the ninety-eight (98) new grievance forms received from the OPS, thirty (30) complaint forms were filed. Of the four hundred and eighty-six (486) grievance forms received by the Board since the inception of the grievance form process, one hundred and thirty-six (136) complaint forms were filed.

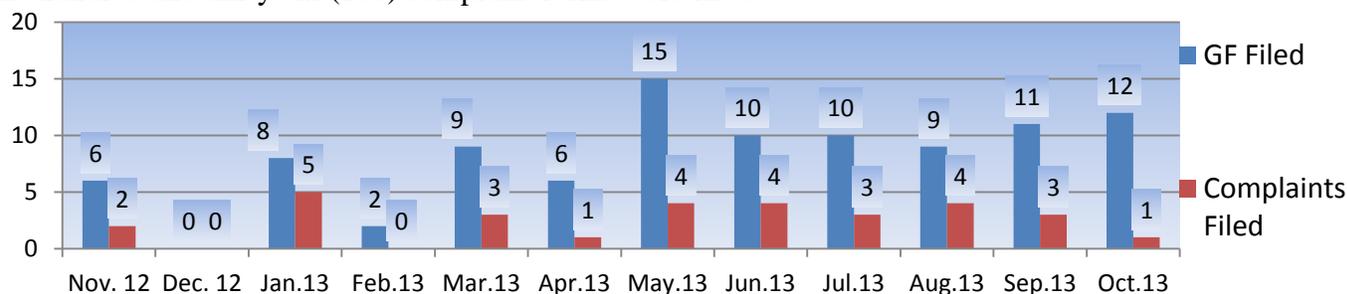


Figure 7: Monthly Comparison of Grievance Forms Filed and Complaints Filed for the period November 1, 2012 to October 31, 2013.

REPORTS

In its thirteenth year of operation, two (2) quarterly reports and one (1) annual report were submitted to the Board for approval. Each report detailed the activities of the Board and the Government Law Center during each time period covered. The Third Quarterly Report of 2011; Fourth Quarterly Report of 2011; and 2011 Annual Report were adopted by the Board before the close of the thirteenth year. A copy of each of these reports was submitted and filed with the Mayor, the Common Council, and the Chief of Police as required by § 42-340(c) of the City Code. Additional copies were forwarded to members of the public, community groups and organizations, and other interested parties on the Board's mailing list. These reports were also posted on the Board's website.

MEETINGS OF THE BOARD

The Board met as a whole six times for the conduct of business in the thirteenth year. The meetings held in the thirteenth year of operation all took place at GWU the Center, 274 Washington Avenue, in the Teen Center Conference Room. There was a public comment period held at each of the monthly meetings, and the meetings were devoted primarily to the review of complaints and a discussion of committee activities. Due to conflicting summer vacation schedules, the Board did not meet during the months of July 2013 and August 2013. The Board did not meet as scheduled in December 2012, February 2013, April 2013, and October 2013.

The Board met as a whole two times for the conduct of business during the first quarter. Meetings were held on November 1, 2012 and January 10, 2013. The Board met as a whole one

time for the conduct of business during the second quarter. This meeting was held on March 14, 2013. The Board met as a whole two times for the conduct of business during the third quarter. Meetings were held on May 16, 2013 and June 20 2013. The Board met as a whole one time on September 12, 2013 for the conduct of business during the fourth quarter.

CONCLUSION

The Board continued to be active in its thirteenth year of operation. In its thirteenth year, the Board re-elected, elected Board officers; elected chairs and members for its committees and task force; continued to work collaboratively with the APD towards the enactment of the mediation program and the Early Warning System; revisited its operating procedures and brochures; served as guest lecturers to community-based organizations; reviewed thirty-three (33) complaints and closed a total of thirty-one (31) of its active complaints; held six (6) regular monthly meetings; held several committee/task force meetings and trainings; reviewed and approved two (2) quarterly reports and one (1) annual report; and participated in meetings with the APD Command Staff, the Office of Professional Standards, the Albany Common Council's Public Safety Committee, and City officials.

After thirteen years of operation, the Board remains dedicated to improving communication between the Police Department and the community; increasing police accountability and credibility with the public; and building upon and maintaining a complaint review process that is credible, impartial, and fair to all.

Respectfully submitted,

The Government Law Center of Albany Law School
Approved by and submitted on behalf of the
City of Albany Citizens' Police Review Board

Approved by the CPRB: October 30, 2014