

City of Albany
Community Police Review Board
(DRAFT)
Thursday May 9, 2019, 6:00 p.m.
Albany Housing Administration 200 S. Pearl St.

MEETING MINUTES

Present: Larry Becker, Ivy Morris, John T. Evers, Warren E. Hamilton, Matt Ingram, Veneilya Harden, Ivy Morris and Rev. Victor Collier

Absent: Zach Garafalo

Guest: Robert Magee, Richard Lenihan and Jordan Conway

I. Call to Order and Roll Call

6:00 p.m.

II. Approval of the Agenda

The May Agenda was approved unanimously.

III. New Business

- A. Approved the March Minutes
- B. Approved the First Quarterly Report
- C. Report from the Office of Professional Service
 - a) Det. Hendrick had nothing new to report.
- D. Committee Reports

By-Laws and Rules

a) Consider the wisdom of changing our procedures to allow us to independently interview the complainant (if the complainant is agreeable to one or two of us doing that) or being present when the complainant is interviewed by OPS, rather than hearing from the complainant, if at all, for the first time only at the Board Meeting, which is after the review at OPS of OPS's investigation is concluded.

b) Consider changing our procedures to allow us to be able to be present when third-party witnesses or police officers are being interviewed.

Education and Community Outreach

a) Participating in or arranging for regularly scheduled meetings between the recruits/officers/police administration and members of the community who would like to talk straight, listen to and really hear the other's viewpoint, with the goal of seeing the relationship between the police and the community improved (*done by ABAAT*).

b) I would like us to consider working with schools/organizations to try to create, or be involved with a "What to do when you're approached by police" program that can empower community members to avoid escalation in their interactions with police ... probably as part of the CPRB's

community outreach. I also believe that representatives of the APD as well as other community stakeholders should actively participate in such programs. There are probably all sorts of these programs operating around the country, and maybe right here in Albany that I'm just not aware of.

c) The Coordinator proposed (518)KnowYourRights is an outreach mechanism to assist with promoting the CPRB and encourage partnerships with other organizations along with APD, throughout the city of Albany.

Mediation

Committee Chair Rev. Collier had nothing new to report.

Police Department Liaison

- a) Provide Chief Hawkins with overview of CPRB to include Mission and Vision.
- b) CPRB community engagement- what does this look like internally?

Public Official Liaison

Committee Chair Ivy Morris reported that The Citizens Police Academy has held three slots for members. CPRB is invited to conduct our outreach presentation for the class.

Task Force on Monitors

Obtaining diversity in our group of monitors that reflects our community.

A. Report from the Government Law Center (GLC)

Clay Gustave updated the board in accordance with the Status Report.

Training by OPS: Summertime availability? Or in the fall?

SOP's: Thumb drives were given to the board, to be able to access APDs standard operating procedures.

B. Report from the Chair

Board voted on travel to NACOLE. They agreed unanimously.

Board agreed to conducting business as usual and to have a retreat in the month of June.

IV. Adjournment

Ivy Morris motioned to adjourn the meeting.

Respectfully submitted,

Clay Gustave
Coordinator of the CPRB

Findings:

Date Received: January 19, 2018

Case Number: CC2018-001

Complaint Received Via: OPS

Complainant's Name: Sherman Ryan

Type of Complaint: Use of Force & Arrest Authority/Procedures

Detective Assigned: Shane

Monitor Assigned: None

Location of Incident: 400 Central Avenue

Date and Time of Incident: December 21, 2017, 5:43PM

Synopsis of Allegation: The complainant alleged he was stopped for no reason in the rear of 400 Central. The complainant stated when he told the officer it was "none of his business" as to why he was there, he was then slammed to the ground and had handcuffs placed on him tightly. The complainant stated once in booking, the officer and the sergeant were discussing what charges to add on.

Investigative Case Status: Documentation was obtained and the officer was interviewed.

Preliminary Finding: It is recommended this investigation be closed as follows:

Use of Force - Not Sustained-where the review fails to disclose sufficient facts to prove or disprove the allegation made in the complaint. The complainant alleged he was slammed to the ground and had handcuffs placed on him tightly. The officer stated he did not slam the complainant. The officer did an arm sweep of the complainant's chest to place him on the ground. The officer denied punching or kicking the complainant and stated the handcuffs were no placed tightly. The officer's statement is consistent with the Subject Resistance Report that he completed following the incident as well as information supplied by other officers on scene.

CPRB finding: Not Sustained - OPS conducted an adequate investigation and the CPRB agrees with the method and outcome of the investigation however, there was not enough evidence uncovered to prove or disprove the allegation.

Arrest Authority & Procedures - Unfounded-where the review shows that the act or acts complained did not occur or were misconstrued. The complainant alleged he was illegally detained and arrested on false charges. The officer's probable cause for stopping the complainant and questioning him was to confirm his identity as it was thought he was parole absconder who had lead APD on a vehicle pursuit. The vehicle used in the pursuit was parked in front of 400 Central Av at the time of the incident. An officer believed he saw the Parolee, whom was described as a black male, 5'7", 230lbs, who regularly wears a hooded sweatshirt with the hoodie up to conceal his face, exiting the elevators in 400 Central Av and then exited the rear of the apartment complex. The appearance of the complainant matched the description of the Parolee without detaining the

complainant for identification purposes, there was no way to confirm his identity. The officer was within his authority to stop and detain the complainant for identification purposes. The officer stated had the complainant cooperated, he would have been free to leave, however his evasive answers to the officers questions led them to believe the complainant did not belong at 400 Central Av. The officer's knowledge that 400 Central Av is part of the TAP program authorized the officer to inquire of the complainant what was his purpose for being at the apartment building. The complainant's evasive and confrontational response "None of your fucking business" led the officer to establish Reasonable Suspicion that a crime (Criminal Trespass) had occurred and authorized the officer to forcibly detain the complainant. Further the complainant admitted in his written complaint that he was uncooperative. A list of all TAP locations is accessible to officers on the APD website to which 400 Central Av has been a part of since 2015 and has numerous signs posted on their property referring to such.

CPRB finding: Not Sustained - OPS conducted an adequate investigation and the CPRB agrees with the method and outcome of the investigation however, there was not enough evidence uncovered to prove or disprove the allegation.

****It should be noted the investigation found that the officer had recently been issued his body worn camera, which was not activated during the stop. The officer stated he did not fail to activate it intentionally. He was focusing on stopping the complainant believing him to be the parolee who had led APD in a pursuit and the officer was focusing on his actions and officer safety. The officer did not think he had been trained with the body camera for more than a month. The officer did activate the camera when he could. The officer was trained in the use of the BWC on 11/22/17 and said incident occurred on 12/21/17. The officer was relatively newly trained to the BWC and as with all new training that requires physical action, muscle memory must develop. The officer should have activated his BWC prior to encountering the complainant and did have an opportunity to do so again while in his patrol vehicle verifying the complainant's information in the computer. The officer was found to be in violation of policy.

Reported to the CPRB on May 4, 2018