

City of Albany

CITIZENS' POLICE REVIEW BOARD

Third Quarterly Report August 1, 2011

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



Third Quarterly Report of the City of Albany
Citizens' Police Review Board

August 1, 2011

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

BACKGROUND

Section 42-340 of Chapter 42, Part 33 of the Albany City Code requires the Government Law Center of Albany Law School to file, on behalf of the Albany Citizens' Police Review Board (CPRB), quarterly reports containing "statistics and summaries of citizen complaints, including a comparison of the CPRB's findings with the final determinations of the [Police] Department." This is the Third Quarterly Report so submitted in the year 2011.

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.

CPRB or BOARD – The Citizens' Police Review Board.

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

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

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 – The Professional Standards Unit of the City of Albany Police Department.

INTRODUCTION

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. Many of these services are discussed, as appropriate, below.

ORGANIZATION OF THE BOARD

The following members constituted the Board during the third quarter of 2011:

| | |
|--------------------|-------------------|
| Jason Allen | Anthony Potenza |
| Marilyn Hammond | Eugene Sarfoh |
| Lilian Kelly | Rev. Edward Smart |
| Andrew Phelan, Jr. | Akosua Yeboah |

During the third quarter, the Board's elected officers were:

| | |
|------------|-----------------------|
| Chair | Reverend Edward Smart |
| Vice-Chair | Anthony Potenza |
| Secretary | Andrew Phelan, Jr. |

Appointments, Re-appointments, and Resignations

In correspondence dated May 11, 2011 to the CPRB, Board member James Frezzell announced his resignation from the Board effective immediately. Mr. Frezzell was an Albany Common Council appointee and was serving a two-year term which was set to expire on October 26, 2012. He was appointed to fill the seat vacated by former Board member Jean Gannon on August 8, 2010.

In June 2011, the Government Law Center sent a letter to the Mayor and Common Council requesting that the Common Council fill the vacancy left by Board member James Frezzell and the upcoming vacancy which would be left by former Chairman Jason Allen. In October 2004, Mr. Allen was appointed by the Albany Common Council to fill the remainder term of a vacancy created by a former Board member. Since then, he served two three-year terms on the Board. His second term will expire on October 26, 2011. Since Mr. Allen has served two consecutive terms with the Board, he is not eligible for re-appointment at this time.

The Government Law Center also requested the re-appointments of Anthony Potenza and Marilyn Hammond. On October 26, 2008, Anthony Potenza was appointed by the Common Council to serve his first full-term on the Board. He was originally appointed in October 2006 to fill the vacancy left by former Board member Barbara Gaige. On December 3, 2008, Marilyn Hammond was appointed by the Mayor to serve a three-year term. Anthony Potenza and Marilyn Hammond's terms will expire on October 26, 2011.

During the third quarter of 2011, the Board had one (1) vacancy to be filled by the City of Albany Common Council.

Committees and Task Force

The following committees and task force were operational in the third quarter of 2011:

| | |
|--------------------------|---|
| <i>By-Laws and Rules</i> | Reverend Edward Smart (Chair) Anthony Potenza Akosua Yeboah |
|--------------------------|---|

| | |
|---------------------------|-------------------------|
| <i>Community Outreach</i> | James Frezzell* (Chair) |
|---------------------------|-------------------------|

| | |
|--|---|
| | Lilian Kelly (Chair) Eugene Sarfoh Akosua Yeboah Reverend Edward Smart (<i>ex-officio</i>) |
| <i>Complaint Review</i> | Andrew Phelan, Jr. (Chair) Jason Allen James Frezzell* Marilyn Hammond Lilian Kelly Anthony Potenza Eugene Sarfoh Reverend Edward Smart Akosua Yeboah |
| <i>Mediation</i> | Jason Allen (Chair) Anthony Potenza Reverend Edward Smart (<i>ex-officio</i>) |
| <i>Police Department Liaison- Policy Review/ Recommendations</i> | Andrew Phelan, Jr. (Chair) Anthony Potenza Reverend Edward Smart (<i>ex-officio</i>) |
| <i>Public Official Liaison</i> | Reverend Edward Smart (Chair) James Frezzell* Andrew Phelan, Jr. Anthony Potenza Akosua Yeboah |
| <i>Task Force on Monitors</i> | Akosua Yeboah (Chair) Marilyn Hammond Lilian Kelly Reverend Edward Smart (<i>ex-officio</i>) |

**In May 2011, Board member James Frezzell resigned effective immediately.*

The following occurred during the third quarter of 2011:

BY-LAWS AND RULES/MEDIATION

On July 5, 2011, members of the By-Laws and Rules Committee met to discuss what the Office of Professional Standards is required to report in its investigations. The Committee felt strongly that OPS's confidential reports should only reflect allegations within an individual's complaint and not procedures based on Subject Resistance Reports, Arrest Reports, etc. The Committee agreed that its Counsel, Patrick Jordan, would discuss with the OPS that the reports

should contain allegations in the complaint and a separate section for administrative items such as failure to fill out Subject Resistance Reports and Arrest Reports.

At its June 9, 2011 meeting, the Board approved amendments to its operating procedures which included the addition of the Board's monitors' protocol to its operating procedure.

During the third quarter of 2011, the Board continued discussions with the APD regarding the mediation program. At the end of this quarter, the Board was awaiting a response regarding the status from OPS Commander Ron Matos and Chief Steven Krokoff.

COMMUNITY OUTREACH

In May 2011, the Community Outreach Committee met and made changes to the complaint process brochure, as well as to the meeting guideline brochure. The committee agreed that the meeting guideline brochure should be translated into Spanish.

In June 2011, Board member Akosua Yeboah nominated Board member Lilian Kelly to serve as chair of the Community Outreach Committee. Lilian Kelly accepted the nomination. The Board voted unanimously for Ms. Kelly to serve as chair.

COMPLAINT REVIEW

Pursuant to Section II, Subsection I of the Board's Operating Procedures, each of the four (4) appointed members of the Committee on Complaint Review, in addition to the Chair of the Committee, will be responsible for the presentation of a particular complaint to the Board at its monthly meetings as assigned by the Chair of the Committee. Sixteen (16) complaints were presented and reviewed in the third quarter of 2011.

The following Board members were appointed to serve on the Committee on Complaint Review:

| | |
|-----------|--|
| May 2011 | Marilyn Hammond, Lilian Kelly, Andrew Phelan, Jr., Anthony Potenza, Eugene Sarfoh, Reverend Edward Smart, and Akosua Yeboah. |
| June 2011 | Marilyn Hammond, Lilian Kelly, Andrew Phelan Jr., Anthony Potenza, Reverend Edward Smart. |

COMPLAINT 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."

During the third quarter of 2011, the Board received nine (9) new complaints in addition to its fifty-three (53) active complaints and thirteen (13) suspended complaints. Monitors were

appointed to investigate two (2) of the nine (9) new complaints. Of the sixty-two (62) complaints before the Board, the Board presented sixteen (16) complaints for review and rendered findings for the allegation(s) contained in all sixteen (16) complaints. These sixteen (16) complaints contained a total of thirty-eight (38) allegations of misconduct. As to the sixteen (16) complaints that were reviewed and closed, the Board made findings consistent with the preliminary findings of the Office of Professional Standards in all sixteen (16) cases. The Board unanimously voted to not review four (4) complaints because they were not written on complaint forms and/or the Board previously reviewed, deliberated, voted on, and closed those cases.

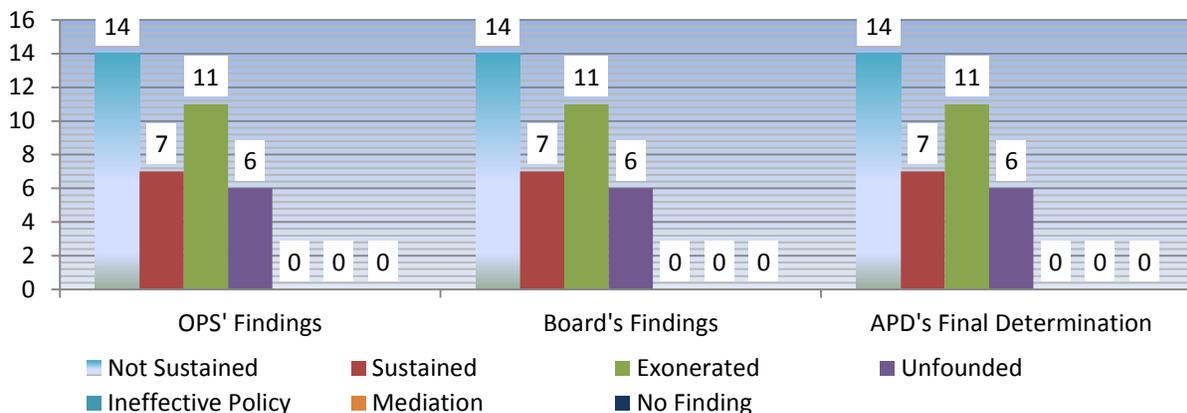


Figure 1: Comparison of findings made by the Board, the OPS, and the Albany Police Department during the Third Quarter of 2011.

Figure 1 depicts a 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. The following is a summary of those complaints:

CPRB No. 32-09/OPS No. CC2009-057 [monitor appointed]

- Nature of the Allegation(s):
- 1) Conduct Standards – an officer yelled at the complainant and made inappropriate statements to the complainant;
 - 2) Conduct Standards – the officer punched the window to the complainant's car;
 - 3) Use of Force – the officer reached into the complainant's car, unlocked it, removed her seatbelt, pulled her out of the car, and pushed her around;
 - 4) Call Handling – the officer failed to submit a use of force report;
and

5) Conduct Standards – the officer issued a false ticket to the complainant.

- OPS Preliminary Finding(s):
- 1) **Not Sustained** as to the first conduct standards allegation;
 - 2) **Not Sustained** as to the second conduct standards allegation;
 - 3) **Exonerated** as to the use of force allegation;
 - 4) **Sustained** as to the call handling allegation; *and*
 - 5) **Not Sustained** as to the third conduct standards allegation.

CPRB Action(s):

At its February 4, 2011 meeting, pursuant to its authority under Section 42-343 (F)(2) of the City Code, the Board requested that the OPS conduct a more thorough and complete investigation by making an additional attempt to contact and interview the complainant regarding the allegations in her complaint.

In May 2011, OPS' completed its further investigation of this case. The case was placed on the Board's May 18, 2011 meeting for deliberation and review. At that meeting, the Board reached a finding for four (4) of the five (5) allegations. The motion to concur with the OPS finding of sustained on the call handling allegation that the officer failed to submit a use of force report, failed by a vote of 4-0 with one (1) member abstaining from the vote. Pursuant to its authority under Section 42-344 of the City Code, the CPRB, after review and deliberation of an investigation, shall, by majority vote, make a finding on the allegation(s) in each case.

The case was placed on the Board's June 9, 2011 meeting agenda where it was reviewed, deliberated, voted on, and closed accordingly.

CPRB Finding(s):

- 1) **Not Sustained** as to the first conduct standards allegation;
- 2) **Not Sustained** as to the second conduct standards allegation;
- 3) **Exonerated** as to the use of force allegation;
- 4) **Sustained** as to the call handling allegation; *and*
- 5) **Not Sustained** as to the third conduct standards allegation.

APD Final Determination(s): 1) **Not Sustained** as to the first conduct standards allegation;

- 2) **Not Sustained** as to the second conduct standards allegation;
- 3) **Exonerated** as to the use of force allegation;
- 4) **Sustained** as to the call handling allegation; *and*
- 5) **Not Sustained** as to the third conduct standards allegation.

CPRB No. 6-10/OPS No. CC2010-006 [no monitor appointed]

Nature of the Allegation(s): 1) Conduct Standards – a detective signed the judge’s name on a search warrant;

- 2) Conduct Standards – the officer threatened to arrest the complainant; *and*
- 3) Call Handling – two documents that were filed in court did not have a notary public number listed.

OPS Preliminary Finding(s): 1) **Unfounded** as to the first conduct standards allegation;

- 2) **Unfounded** as to the second conduct standards allegation; *and*
- 3) **Exonerated** as to the call handling allegation.

CPRB Finding(s): 1) **Unfounded** as to the first conduct standards allegation;

- 2) **Unfounded** as to the second conduct standards allegation; *and*
- 3) **Exonerated** as to the call handling allegation.

APD Final Determination(s): 1) **Unfounded** as to the first conduct standards allegation;

- 2) **Unfounded** as to the second conduct standards allegation; *and*
- 3) **Exonerated** as to the call handling allegation.

CPRB No. 9-10/OPS No. CC2010-012 [monitor appointed]

Nature of the Allegation(s): 1) Use of Force – an officer grabbed the complainant by the throat and choked him;

2) Conduct Standards – an officer threatened to beat the complainant; *and*

3) Conduct Standards – the officers refused to help the complainant find the name of the officer who allegedly choked and threatened him.

OPS Preliminary Finding(s): 1) **Not Sustained** as to the use of force allegation;

2) **Not Sustained** as to the first conduct standards allegation; *and*

3) **Not Sustained** as to the second conduct standards allegation.

CPRB Finding(s):

1) **Not Sustained** as to the use of force allegation;

2) **Not Sustained** as to the first conduct standards allegation; *and*

3) **Not Sustained** as to the second conduct standards allegation.

APD Final Determination(s): 1) **Not Sustained** as to the use of force allegation;

2) **Not Sustained** as to the first conduct standards allegation; *and*

3) **Not Sustained** as to the second conduct standards allegation.

CPRB No. 15-10/OPS No. CC2010-015 [monitor appointed]

Nature of the Allegation(s): 1) Use of Force –an officer hit the complainant’s son for no reason;

2) Use of Force – an officer pushed the complainant and her daughter;

3) Call Handling – officers knocked on the complainant’s door, pushed it in, and entered her home; *and*

4) Conduct Standards – officers yelled at the complainant’s other son.

OPS Preliminary Finding(s): 1) **Exonerated** as to the first use of force allegation;

2) **Not Sustained** as to the second use of force allegation;

3) **Exonerated** as to the call handling allegation; *and*

4) **Not Sustained** as to the conduct standards allegation.

CPRB Finding(s):

- 1) **Exonerated** as to the first use of force allegation;
- 2) **Not Sustained** as to the second use of force allegation;
- 3) **Exonerated** as to the call handling allegation; *and*
- 4) **Not Sustained** as to the conduct standards allegation.

APD Final Determination(s):

- 1) **Exonerated** as to the first use of force allegation;
- 2) **Not Sustained** as to the second use of force allegation;
- 3) **Exonerated** as to the call handling allegation; *and*
- 4) **Not Sustained** as to the conduct standards allegation.

CPRB No. 19-10/OPS No. CC2010-034 [no monitor appointed]

Nature of the Allegation(s):

- 1) Call Handling – an officer failed to take a report because the complainant was Black; *and*
- 2) Conduct Standards – an officer called the complainant a “mental patient.”

OPS Preliminary Finding(s):

- 1) **Unfounded** as to the call handling allegation; *and*
- 2) **Not Sustained** as to the conduct standards allegation.

CPRB Finding(s):

- 1) **Unfounded** as to the call handling allegation; *and*
- 2) **Not Sustained** as to the conduct standards allegation.

APD Final Determination(s):

- 1) **Unfounded** as to the call handling allegation; *and*
- 2) **Not Sustained** as to the conduct standards allegation.

CPRB No. 21-10/OPS No. CC2010-037 [no monitor appointed]

Nature of the Allegation(s): Call Handling – officers came to the complainant’s home and requested entry.

OPS Preliminary Finding(s): **Exonerated** as to the call handling allegation.

CPRB Finding(s): **Exonerated** as to the call handling allegation.

APD Final Determination(s): **Exonerated** as to the call handling allegation.

CPRB No. 22-10/OPS No. C2010-031 [no monitor appointed]

Nature of the Allegation(s): Call Handling – officers showed up in the complainant’s backyard where the complainant’s dog was. One of the officers pulled out his OC spray while the other officer pulled out his pistol and threatened to shoot the complainant’s dog.

OPS Preliminary Finding(s): **Exonerated** as to the call handling allegation.

CPRB Finding(s): **Exonerated** as to the call handling allegation.

APD Final Determination(s): **Exonerated** as to the call handling allegation.

CPRB No. 24-10/OPS No. CC2010-041 [no monitor appointed]

Nature of the Allegation(s): 1) Call Handling – the complainant was wrongfully ticketed for parking in a handicap parking spot; *and*
2) Conduct Standards – the Public Service Officer was rude towards the complainant.

OPS Preliminary Finding(s): 1) **Exonerated** as to the call handling allegation; *and*
2) **Sustained** as to the conduct standards allegation.

CPRB Finding(s): 1) **Exonerated** as to the call handling allegation; *and*
2) **Sustained** as to the conduct standards allegation.

APD Final Determination(s): 1) **Exonerated** as to the call handling allegation; *and*
2) **Sustained** as to the conduct standards allegation.

CPRB No. 29-10/OPS No. CC2010-059 [monitor appointed]

Nature of the Allegation(s): 1) Use of Force – an officer twisted the complainant’s arm behind her back and threw her to the ground; *and*
2) Use of Force – the officer kned the complainant twice in the side of the face.

OPS Preliminary Finding(s): 1) **Exonerated** as to the first use of force allegation; *and*

2) **Unfounded** as to the second use of force allegation.

CPRB Finding(s): 1) **Exonerated** as to the first use of force allegation; *and*

2) **Unfounded** as to the second use of force allegation.

APD Final Determination(s): 1) **Exonerated** as to the first use of force allegation; *and*

2) **Unfounded** as to the second use of force allegation.

CPRB No. 32-10/OPS No. CC2010-070 [monitor appointed]

Nature of the Allegation(s): Use of Force – an officer handcuffed the complainant, pushed her out the door, sat her on the stairs, picked her up, and kicked her feet out from under her.

OPS Preliminary Finding(s): **Not Sustained** as to the use of force allegation.

CPRB Finding(s): **Not Sustained** as to the use of force allegation.

APD Final Determination(s): **Not Sustained** as to the use of force allegation.

CPRB No. 36-10/OPS No. CC2010-074 [monitor appointed]

Nature of the Allegation(s): 1) Conduct Standards – an officer stopped the complainant, flashed a light in his eyes, and ordered the complainant to empty his pockets;

2) Use of Force – the officer twisted the complainant’s arm, threw him face first to the ground, kned or punched the complainant in the back and delivered a major blow to the left side of the complainant’s body; *and*

3) Call Handling – the officer failed to report such use of force following the incident as required by department policy.

OPS Preliminary Finding(s): 1) **Exonerated** as to the conduct standards allegation;

2) **Not Sustained** as to the use of force allegation; *and*

3) **Sustained** as to the call handling allegation.

CPRB Finding(s): 1) **Exonerated** as to the conduct standards allegation;

2) **Not Sustained** as to the use of force allegation; *and*

3) **Sustained** as to the call handling allegation.

APD Final Determination(s): 1) **Exonerated** as to the conduct standards allegation;

2) **Not Sustained** as to the use of force allegation; *and*

3) **Sustained** as to the call handling allegation.

CPRB No. 42-10/OPS No. CC2010-081 [monitor appointed]

Nature of the Allegation(s): 1) Use of Force – officers used excessive and unnecessary force by throwing the complainant to the ground causing him to strike his head on the concrete; *and*

2) Conduct Standards – the complainant was injured and bleeding and the officer failed to assist him.

OPS Preliminary Finding(s): 1) **Not Sustained** as to the use of force allegation; *and*

2) **Not Sustained** as to the conduct standards allegation.

CPRB Finding(s): 1) **Not Sustained** as to the use of force allegation; *and*

2) **Not Sustained** as to the conduct standards allegation.

APD Final Determination(s): 1) **Not Sustained** as to the use of force allegation; *and*

2) **Not Sustained** as to the conduct standards allegation.

CPRB No. 45-10/OPS No. CC2010-012 [monitor appointed]

Nature of the Allegation(s): 1) Conduct Standards – an officer used profane language and was extremely unprofessional;

2) Use of Force – an officer pushed and injured the complainant;

3) Conduct Standards – the call taker was rude and unprofessional when the complainant called the APD South Station; *and*

4) Conduct Standards – the Sergeant was belligerent towards the complainant.

OPS Preliminary Finding(s): 1) **Sustained** as to the first conduct standards allegation;

- 2) **Exonerated** as to the use of force allegation;
- 3) **Sustained** as to the second conduct standards allegation; *and*
- 4) **Unfounded** as to the third conduct standards allegation.

CPRB Finding(s)

- 1) **Sustained** as to the first conduct standards allegation;
- 2) **Exonerated** as to the use of force allegation;
- 3) **Sustained** as to the second conduct standards allegation; *and*
- 4) **Unfounded** as to the third conduct standards allegation.

APD Final Determination(s): 1) **Sustained** as to the first conduct standards allegation;

- 2) **Exonerated** as to the use of force allegation;
- 3) **Sustained** as to the second conduct standards allegation; *and*
- 4) **Unfounded** as to the third conduct standards allegation.

CPRB No. 50-10/OPS No. CC2010-129 [monitor appointed]

Nature of the Allegation(s): 1) Call Handling –an officer did not properly investigate a call and file a report on behalf of the complainant; *and*

2) Conduct Standards – the officer threatened to arrest the complainant.

OPS Preliminary Finding(s): 1) **Sustained** as to the call handling allegation; *and*

2) **Not Sustained** as to the conduct standards allegation;

CPRB Finding(s):

- 1) **Sustained** as to the call handling allegation; *and*
- 2) **Not Sustained** as to the conduct standards allegation.

APD Final Determination(s): 1) **Sustained** as to the call handling allegation; *and*

2) **Not Sustained** as to the conduct standards allegation.

CPRB No. 59-10/OPS No. CC2010-147 [no monitor appointed]

Nature of the Allegation(s): Conduct Standards – an officer was rude, intimidating, and refused to tell the complainant why she was stopped.

OPS Preliminary Finding(s): **Unfounded** as to the conduct standards allegation.

CPRB Finding(s): **Unfounded** as to the conduct standards allegation.

APD Final Determination(s): **Unfounded** as to the conduct standards allegation.

CPRB No. 60-10/OPS No. CC2010-137 [monitor appointed]

Nature of the Allegation(s): 1) Use of Force – an officer used force in the form of OC spray and empty hand techniques against the complainant; *and*

2) Conduct Standards – officers used profanity towards the complainant.

OPS Preliminary Finding(s): 1) **Exonerated** as to the use of force allegation; *and*

2) **Sustained** as to the conduct standards allegation.

CPRB Finding(s): 1) **Exonerated** as to the use of force allegation; *and*

2) **Sustained** as to the conduct standards allegation.

APD Final Determination(s): 1) **Exonerated** as to the use of force allegation; *and*

2) **Sustained** as to the conduct standards allegation.

DEFINITION OF CPRB FINDINGS

Section 42-344(A) of Chapter 42, Part 33 of the Albany City Code charges that the Board, after review and deliberation of an investigation, shall, by majority vote, make one of the following findings on the case:

(1) *Sustained* – where the review discloses sufficient facts to prove the allegations made in the complaint.

(2) *Not Sustained* – where the review fails to disclose sufficient facts to prove or disprove the allegation made in the complaint.

(3) *Exonerated* – where the acts which provide the basis for the complaint occurred, but the review shows that such acts were proper.

(4) *Unfounded* – where the review shows that the act or acts complained of did not occur or were misconstrued.

(5) *Ineffective Policy or Training* – where the matter does not involve guilt or lack thereof, but rather ineffective departmental policy or training to address the situation.

(6) *No Finding* – where, for example, the complaint failed to produce information to further the investigation; or where the investigation revealed that another agency was responsible and the complaint or complainant has been referred to that agency; or where the complainant withdrew the complaint; or where the complainant is unavailable to clarify the complaint; or where the officer is no longer employed by the City.

(7) *Mediation* – where the complaint is resolved by mediation.

GRIEVANCE FORM PROCESS

Background

In the second quarter of 2008, former Chief of Police James Tuffey introduced a new system to the Albany Police Department, where complainants who have a grievance with a member of the APD, but opt not to complete a CPRB complaint form, would have their contact information provided to the CPRB using grievance forms so that the CPRB can reach out to them. This process ensures that individuals would not lose out on having their complaint reviewed by the Board. The OPS agreed to implement this grievance form process as part of its standard operating procedure. Under this system, every complainant who files a grievance form with the OPS will have a full opportunity to complete a CPRB complaint form.

Summaries and Statistics

During the third quarter of 2011, the Board received twenty-four (24) new grievance forms from the OPS, in addition to its two hundred and forty-eight (248) grievance forms that were received since the inception of the grievance form process in 2008. Out of the twenty-four (24) new grievance forms that were filed in the third quarter of 2011, three (3) citizen complaint forms were filed. Of the two hundred and seventy-two grievance forms received by the Board since 2008, seventy-five (75) complaint forms were filed.

PUBLIC OFFICIAL LIAISON COMMITTEE

On May 17, 2011, members of the Public Official Liaison Committee met with the Albany Common Council's Public Safety Committee to update them on the status of the Board's four (4) initiatives which included the Early Warning System, cameras in the APD vehicles, mediation, and the grievance form process. At that meeting, the Committee mentioned its concern about not being able to see the video of incidents recorded from police vehicles. The Public Safety Committee members agreed that Corporation Counsel should look at how other jurisdictions handle the privacy of officers in videos. The Public Official Liaison Committee also mentioned that the Board has not received a report from the Albany Police Department's

Early Warning System. Police Chief Steven Krokoff agreed to release what he is allowed to release. He will let the Board know after consulting with attorneys. The Committees discussed the status of the mediation program. The Public Official Liaison Committee members agreed to schedule a meeting with the Albany Police Department's Union representatives to discuss concerns they may have about the mediation program.

MEETINGS

The Board met as a whole two (2) times for the conduct of business during the third quarter. Meetings were held on May 18, 2011 and June 9, 2011. Both meetings were held at the GWU the Center, 274 Washington Avenue, in the Teen Center Conference Room. There was a public comment period at each meeting.

Generally, the Board meets on the second Thursday of every month so as not to conflict with the monthly meetings of the County Legislature, and to encourage media and public participation at its meetings.

TRAINING

Section 42-339 of Chapter 42, Part 33 of the Albany City Code requires that "the Government Law Center . . . provide to CPRB members, and the members . . . undergo continuing education . . ." The GLC, along with the Corporation Counsel's office, is looking at various training topics which will require mandatory attendance from Board members.

During the third quarter of 2011, Board members Akosua Yeboah and Marilyn Hammond completed a four (4) hour ride-along with an Albany Police Department officer.

New Member Orientation

During the third quarter of 2011, Board members Lilian Kelly and Eugene Sarfoh successfully completed the APD's Citizens' Police Academy. It was a 15-week course filled with a lot of information, insight, and hands on training on APD police practices.

NACOLE Conference

During the third quarter of 2011, the Board discussed the annual NACOLE Conference, scheduled for September 12-15, in New Orleans, LA. Chairman Edward Smart, Board members Marilyn Hammond and Lilian Kelly, and GLC Coordinator for the Board Sharmaine Moseley agreed to attend the conference. Board member Anthony Potenza agreed to be an alternative in the event that one of the three (3) Board members could not attend. The Board also agreed to request that Chief Steven Krokoff send an APD representative to the conference.

GOVERNMENT LAW CENTER

During the third quarter of 2011, the Government Law Center engaged in the following activities as directed by the local law and pursuant to its contractual obligations with the City of Albany:

- Coordinated, scheduled, and engaged in a meeting between the Board's Public Official Liaison Committee and the Albany Common Council's Public Safety Committee regarding Board initiatives.
- Coordinated, scheduled, and engaged in a meeting with the Board's By-Laws Committee.
- Arranged logistics for Board members Akosua Yeboah and Marilyn Hammond's participation in an APD ride-along.
- Drafted and forwarded correspondence to Chief Steven Krokoff requesting the APD's final determinations for complaints reviewed by the Board.
- Forwarded correspondence to the Board from Chief Steven Krokoff on the APD's final determinations for complaints reviewed by the Board.
- Received and forwarded to the Board and the Common Council the resignation correspondence of Board member James Frezzell.
- Revised Board's operating procedures and forwarded revised amendments to the Board for approval.
- Received and forwarded to the Board correspondence from the complainant regarding CPRB No.23-11/OPS No. CC2010-122.
- Drafted and forwarded to the Board and complainant correspondence regarding complainant's concerns on CPRB No.23-11/OPS No. CC2010-122.
- Drafted and forwarded correspondence to the City of Albany Mayor Gerald Jennings and Common Council President Carolyn McLaughlin notifying them of Board vacancies.
- Interviewed and hired one (1) Albany Law School student intern to assist in providing administrative and staff support services to the Board.
- Forwarded the updated database scorecard and the grievance form chart to the OPS and members of the Board.
- Notified organizations, community groups, and complainants of the Board's public meeting by posting a press release in City Hall, and sending out mail and e-mail notices and press releases.
- Forwarded the updated database scorecard to the OPS and members of the Board.

- Forwarded to the Board press clippings regarding the Albany CPRB.
- Continued the development of the CPRB electronic database.

In addition, the Center performed the following administrative tasks:

- Arranged logistics for and coordinated two (2) regular monthly meetings, including: securing dates, times, and locations for each meeting, and providing notice to the affected parties and to the public;
- Arranged logistics for and coordinated one (1) meeting with Police Chief Steven Krokoff and Corporation Counsel John Reilly including: securing dates, times, and locations for the meeting;
- Attended two (2) regular monthly meetings, and two (2) committee/task force meetings;
- Prepared and assembled regular monthly meeting packets for Board members, including: photocopying complaints, reports, and accompanying documents for review;
- Prepared a summary of new complaints filed with the Board for presentation by the Chair of the Committee on Complaint Review at each monthly meeting;
- Prepared finding forms for the recording of Board determinations by members of the Committee on Complaint Review at each monthly meeting;
- Reported all activities related to Board business at each monthly meeting;
- Recorded and transcribed the minutes of each monthly meeting;
- Notified affected parties of Board findings, recommendations, and requests following each monthly meeting;
- Conducted a monthly accounting and inventory of complaints filed with the Board, including a summary of active, suspended, and closed complaints, recommendations, and pending requests submitted to the Chief of Police, the Office of Professional Standards, and the Corporation Counsel's Office;
- Reported monthly complaint accounting and inventory to the Board at each of its third quarter meetings;
- Assisted with typing and forwarding the Board's requests and recommendations to the Chief of Police, the Office of Professional Standards, and/or the Corporation Counsel's Office;

- Received and logged complaints and grievance forms;
- Opened and closed complaint files;
- Forwarded complainant related correspondence to Board members;
- Updated and distributed the materials in the orientation binder;
- Updated and maintained the Board's website to include reports, new meeting minutes, new Board members, and the new meeting schedule;
- Maintained regular communications with Board members, the Police Department, and the Corporation Counsel's Office; *and*
- Answered inquiries from the community and the media about the Board and the complaint review process.

CONCLUSION

The Board continued to be active in its third quarter. This included: revising its brochures; holding two (2) regular monthly meetings; two (2) committee/task force meetings; participation in ride-alongs; and reviewing sixteen (16) complaints and rendered findings for the allegation(s) contained in all sixteen (16) complaints. In addition, the Board continued to work collaboratively with the APD on its initiatives, which included mediation, the Early Warning System, and video cameras in police vehicles.

Respectfully submitted,

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

Dated: August 1, 2011