

City of Albany

Annual Report

2015

(November 1, 2014 – October 31, 2015)

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

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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 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 informed by knowledge of actual police practices.

DEFINITIONS

For purposes of this report, the following words and phrases shall have the following meanings:

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 Fifteenth Annual Report so submitted, covering the Board's operations from November 1, 2014 to October 31, 2015.

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 fifteenth year of operation:

April Bacon
Appointed: 01/29/2015
Original Term Expires: 10/26/2016
Resigned: 03/30/2015

Larry Becker
Appointed: 03/27/2015
Original Term Expires: 10/26/2016

Mickey Bradley
Appointed: 02/07/2012
1stl Term Expired: 10/26/2014
Reappointed: 02/19/2015
2nd Term Expires: 10/26/2017

Charles Goodbee, Sr.
Appointed: 02/10/2015
Original Term Expires: 10/26/2017

Michael A. Grady
Appointed: 09/01/2015
Original Term Expires: 10/31/2017

Marilyn Hammond
Appointed: 12/03/2008
Original Term Expired: 10/26/2011
Re-Appointed: 10/03/2011
2nd Term Expired: 10/26/2014
Resigned: 01/12/2015

Maritza Martinez
Appointed: 02/07/2012
Original Term Expired: 10/26/2012
Reappointed: 02/07/2013
2nd Term Expired: 10/26/2015

William McCarthy
Appointed: 05/29/2013
Original Term Expires: 10/26/2016
Resigned: 04/08/2014

Ivy S. Morris
Appointed: 04/06/2015
Original Term Expires: 10/26/2016

Kerry Mulligan
Appointed: 08/17/2015
Original Term Expires: 10/26/2015

David A. Rozen
Appointed: 10/15/2012
Original Term Expired: 10/26/2013
Reappointed: 11/2013
1st Full Term Expires: 10/26/2016

Eugene Sarfoh, Esq.
Appointed: 01/03/2011
Original Term Expired: 12/31/2014
Resigned: 06/11/2015

Reverend Edward B. Smart
Appointed: 03/20/2008
Original Term Expired: 10/26/2009
Reappointed: 03/23/2010
1st Full Term Expired: 10/26/2012
Reappointed: 06/25/2013
2nd Term Expired: 10/26/2015

Akosua Yeboah
Appointed: 12/21/2009
Original Term Expired: 10/26/2012
Reappointed: 06/25/2013
2nd Term Expired: 10/26/2015
Resigned: 02/06/2015

Second Quarter

During the second quarter of 2015, Charles Goodbee, Sr. was appointed as a member of the CPRB by the Common Council to fill an unexpired term which will expire on October 26, 2017. City of Albany Mayor Kathy Sheehan appointed Larry Becker as a member of the CPRB to fill an unexpired term which will expire on 10/26/2016. Ivy Morris was also appointed as a CPRB member by City of Albany Mayor Kathy Sheehan to fill an unexpired term which will expire on October 26, 2016.

Third Quarter

During the third quarter of 2014, Board member Eugene Sarfoh tendered his resignation to the GLC, effective June 11, 2015. The GLC notified City of Albany Mayor Kathy Sheehan and Albany Common Council President Carolyn McLaughlin to inform them of the new mayoral vacancy on the Board.

Fourth Quarter

During the fourth quarter of 2015, Maritza Martinez's first term ended on October 26, 2015. A letter was sent to Common Council requesting Ms. Martinez's reappointment. Kerry Mulligan was appointed by Common Council as a member of the CPRB to fill an unexpired term that expired on October 26, 2015. Ms. Mulligan's reappointment is pending. Michael A. Grady was appointed by City of Albany Mayor Kathy Sheehan as a member of the CPRB to fill an unexpired term which will expire on October 26, 2017.

Vacancies

During the first quarter of 2015, Marilyn Hammond, a mayoral appointee, and Akosua Yeboah, a Common Council appointee, stepped down from the Board leaving the CPRB with three vacancies. During the second quarter of 2015, April Bacon, a mayoral appointee, stepped down from the Board resulting in two vacancies. During the third quarter of 2015, Eugene Sarfoh, a mayoral appointee, stepped down from the Board resulting in one vacancy. The Board had one mayoral vacancy to fill during the fourth quarter of 2015 when Board member Reverend Edward Smart reached the term limit. The GLC notified City of Albany Mayor Kathy Sheehan and Albany Common Council President Carolyn McLaughlin of the existing vacancies.

New Member Orientation Program

According to § 42-339 of the legislation, “[c]ompletion of the orientation program concerning the goals, powers, and procedures of the [Board] is required before a member may participate as a voting member. In addition, graduation from the Albany Police Department’s Citizen Police Academy . . . within six months of the start of the member’s term is required.”

During the second and third quarters of 2015, Board members April Bacon, Larry Becker, Charles Goodbee, Sr., and Ivy Morris attended and participated in the Board’s orientation program which consisted of two sessions. The first session of the orientation program was coordinated and facilitated by the Government Law Center to educate the new member about the Board’s organization and operation and included training on the CPRB Legislation; By-Laws and Rules of Procedure; the complaint review process; the Board’s public education and community outreach program; the role of the Government Law Center as administrative staff; the Open Meetings Law; the Freedom of Information Law; Section 50-a of the New York Civil Rights Law; an introduction on laws relating to civil rights violations and excessive use of force; and ethics. The second session of the orientation program was coordinated and facilitated by the Albany Police Department’s Office of Professional Standards; this session educated both members on the APD’s organization and operation.

New Member Citizens' Police Academy Training

During the second and third quarters of 2015, new Board members Larry Becker, Charles Goodbee, and Ivy Morris attended the Albany Citizen Police Academy as a part of their training requirement. The Citizen Police Academy consists of fifteen 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. As part of their training, Board members were required to participate in a ride-along with an APD officer during the officer's work shift. This provides an opportunity for Board members to observe the interaction between the officers and the community.

Officers

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

Chairman	Reverend Edward B. Smart	<i>*until the fourth quarter of 2015</i>
Vice-Chairman	David Rozen	
Secretary	Akosua Yeboah Mickey Bradley	<i>*until the first quarter of 2015</i> <i>*beginning the third quarter of 2015</i>

During the second quarter of 2015, nominations were held for the positions of Secretary pursuant to the Board's By-laws (Art. IV, Section 1). Board member Mickey Bradley was nominated for the position of Secretary. Mr. Bradley accepted the nomination. The slate was presented, voted on and approved unanimously at the Board's April 23, 2015 meeting.

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

During the first quarter, the Board received five (5) new complaints in addition to its forty-five (45) active complaints and nine (9) suspended complaints. Monitors were appointed to investigate three (3) of the five (5) new complaints. Of the forty-three (43) complaints before the Board, the Board presented ten (10) complaints for review and rendered findings for the allegations contained in ten (10) complaints. These ten (10) complaints were closed and contained a total of nineteen (19) allegations of misconduct.

As to the ten (10) complaints that were reviewed and closed, the Board made findings consistent with the preliminary findings of the Office of Professional Standards in nine (9) cases. Of the ten (10) complaints reviewed, Board action was taken on one (1) complaint. This action included the Board voting unanimously to send a letter to the APD Chief requesting someone within in the APD to meet with the complainant and complainant's family about the new APD policy regarding juveniles in custody.

Second Quarter

During the second quarter, the Board received (12) new complaints in addition to its thirty-eight (38) active complaints and nine (9) suspended complaints. Monitors were appointed to investigate seven (7) of the twelve (12) new complaints. Of the forty-three (43) complaints before the Board, the Board presented eleven (11) complaints for review and rendered findings for the allegation(s) contained in all eleven (11) complaints. These eleven (11) complaints were closed and contained twenty-nine (29) 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.

Third Quarter

During the third quarter, the Board received thirteen (13) new complaints in addition to its thirty-eight (38) active complaints and ten (10) suspended complaints. Monitors were appointed to investigate eight (8) of the thirteen (13) new complaints. Of the forty-eight (48) complaints before the Board, the Board presented eleven (11) complaints for review and rendered findings for the allegation(s) contained in all eleven (11) complaints. These eleven (11) complaints were closed and contained thirty-five (35) 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 seven (7) cases.

Fourth Quarter

During the fourth quarter, the Board received eleven (11) new complaints in addition to its fifty (50) active complaints and nine (9) suspended complaints. Monitors were appointed to investigate five (5) of the eleven (11) new complaints. Of the fifty (50) complaints before the Board, the Board presented nine (9) complaints for review and rendered findings for the allegation(s) in all nine (9) complaints. These (9) nine complaints were closed and contained twenty (20) allegations of misconduct.

As to the nine (9) complaints that were reviewed and closed, the Board made findings consistent with the preliminary findings of the Office of Professional Standards in eight (8) cases.

Number of Complaints Filed

During its fifteenth year of operation (November 1, 2014 to October 31, 2015), the Board received forty-one (41) new complaints (See Figure 1.) The Board received an average of three point four (3.4) complaints per month from November 2014 to October 2015. 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).

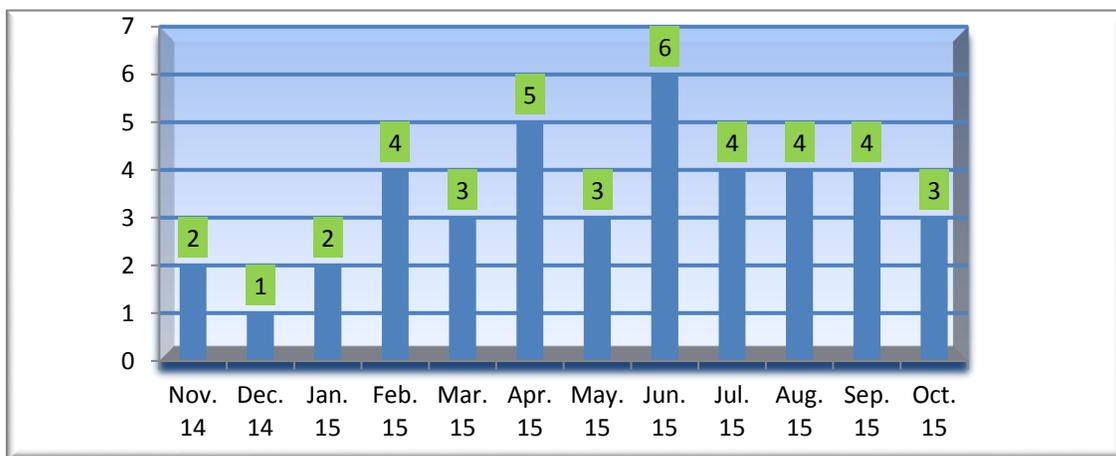


Figure 1: Monthly breakdown of complaints filed from November 1, 2014 to October 31, 2015
Total forty-one (41).

Since the Board’s inception (October 27, 2000 to October 31, 2015), the Board received a total of seven hundred and ten (710) complaints (See Figure 2.) The Board received an average of forty-seven point three (47.3) 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).

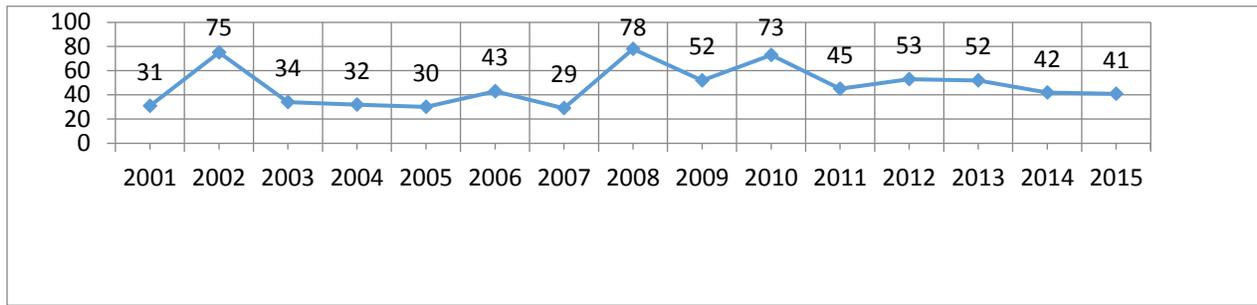


Figure 2: Yearly breakdown of complaints filed October 27, 2000 to October 31, 2015
Total seven hundred and ten (710).

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 forty-one (41) complaints filed in the fifteenth year, the Board appointed a monitor to observe OPS investigations of twenty-three (23) complaints.

Race/Ethnicity and Gender of the Complainants

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 forty-one (41) complaints filed with the Board in the fifteenth year, twenty-seven (27) contained information from the complainant about the complainant’s gender; twenty-two (22) contained information from the complainant about the complainant’s race/ethnicity; and twenty-two (22) contained information from the complainant about the complainant’s gender and race/ethnicity. The twenty-two (22) identified complainants out of these forty-one (41) complaints were comprised of: seven (7) African-American females; six (6) African-American males; two (2) Caucasian female; five (5) Caucasian males; two (2) Other female; five (5) Other males (See Figure 3).

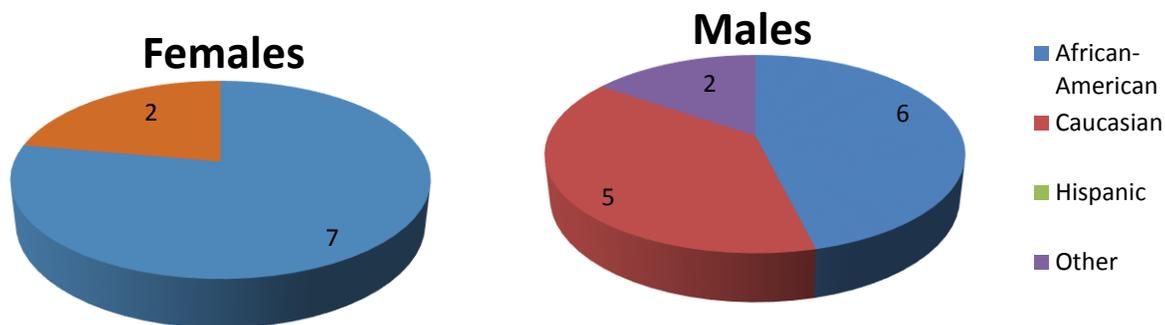


Figure 3: Race/Ethnicity and Gender of the Complainant

Of the forty-one (41) complaints filed with the Board in the fifteenth year, thirty-nine (39) complaints were submitted on a complaint form. Of those thirty-nine (39) complaints, seventeen (17) complainants chose not to submit information regarding their race/ethnicity and twelve (12) complaints chose not to submit information about their

gender. In thirteen (13) of the thirty-nine (39) complaints, the complainants chose not to submit information about their race/ethnicity and/or gender and this information could not be determined based on language contained in the reports. In four (4) of the thirty-nine (39) complaints, the gender of complainant, two (2) males and two (2) 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.

Race/Ethnicity and Gender of the Officer(s)

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 officers who are the subject of the complaint. In this section, the complainant is asked to provide race/ethnicity and gender information about the officers, if known. Thirty-nine (39)¹ police officer descriptions, including race/ethnicity and/or gender, were included within the forty-one (41) complaints filed with the Board in the fifteenth year.

Twenty-seven (27) of the forty-one (41) complaints filed with the Board included information about the police officer's gender provided by the complainants. Of the twenty-seven (27) police officer gender descriptions contained in the forty-one (41) complaints, thirteen (13) of those descriptions were redacted by the Office of Professional Standards. Of the thirteen (13) redacted descriptions, the gender of two (2) male and one (1) females were assumed from the language contained in the complaint. Of the fourteen (14) police officer gender descriptions that were not redacted, seventeen (17) were male. Of the ten (10) police officers whose gender was not provided by the complainant, the gender of three (3) male police officers were assumed from the language contained in the complaint, and the gender of one (1) police officer cannot be determined.

The ethnicity/race of thirty-two (32) police officers was provided by the complainants. Fourteen (14) of the thirty-two (32) police officer ethnicity/race descriptions, however, were redacted by the Office of Professional Standards. Therefore, in those fourteen (14) descriptions, the ethnicity/race of the police officers could not be ascertained from the language contained in the complaints. The eighteen (18) police officer ethnicity/race descriptions that were not redacted identified eleven (11) police officers as Caucasian, 1 (1) police officer as Hispanic and two (2) police officers as African American.

Of the forty-one (41) complaints filed with the Board in the fifteenth year, descriptions regarding the race/ethnicity and/or gender for police officers in seven (7) complaints were either not included or the information was unknown. Twenty-nine (29) police officers names were provided by the complainant, but were redacted by the Office of Professional Standards.

Allegations Contained in the Complaints

In the fifteenth year of operation, the number of allegations was determined in thirty-nine (39) of the forty-one (41) complaints filed with the Board. Eight (8) of the thirty-nine (39) complaints contained a single allegation of misconduct against an officer or officers of the Albany Police Department. Thirty-one (31) of the thirty-nine (39) complaints contained multiple allegations, with a majority of these complaints averaging three-point-four (3.4) misconduct allegations. The allegations could not be determined for two (2) of the forty-one (41) complaints filed with the Board.

One hundred and twelve (102) allegations were made in the thirty-nine (39) complaints where allegations could be determined. Of the one hundred and ten (110) allegations, the Board identified six (6) categories of allegations. Twenty-four (24) sub-categories of allegations were also identified, thirty-two (32) of which fell under the category of Arrest Authority and Procedures, thirty-one (31) of which fell under the category of Call Handling, six (6) of which

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 thirty-nine (39) police officer descriptions are of thirty-nine (39) different officers or are of a number of the same officers.

fell under the category of Evidence & Property handling, two (2) of which fell under the category of Other, twenty-six (26) of which fell under the category of Unprofessional Conduct Standards, and fifteen (15) 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	32
Arrest Authority & Procedure	9
False/Illegal/Improper/Unlawful Arrest	23
Call Handling	31
Call Handling	1
Failure to Complete Report/Investigate Properly/Handle Report	6
Failure/Refusal to Provide Information/Assistance	4
Illegal/Improper/Unlawful Body Search	1
Illegal/Improper/ Unlawful Detention	2
Illegal/Improper/Unlawful Entry into Private Residence	4
Illegal/Improper/Unlawful Stop/Detention/Questioning/Search/Harassment	7
Illegal/Improper/Unlawful Ticketing/Unlawful Ticketing in Retaliation	2
Refused Medical Treatment	3
Illegal/Improper/Unlawful Search	1
Evidence & Property Handling	6
Evidence and Property Handling	6
Other	2
Department Vehicle Operations Count	2
Unprofessional Conduct Standards	26
Denied Access to Supervisor	1
Derogatory/Inappropriate/Profane/Offensive/ Vulgar/Threatening/Racially-Biased/ Unnecessary Language	5
Harassment	3

Illegal/Improper/Unlawful Ticketing/Unlawful Ticketing in Retaliation	2
Intimidation	1
Racial Profiling	1
Rude/Disrespectful	4
Unprofessional Conduct	8
Use of Force	15
Excessive Use of Force	3
Improper Use of Force	4
Unnecessary Use of Force	8

Figure 4: Allegations Contained in Complaints Filed - Total 110

Figure 4 illustrates the allegations made in thirty-nine (39) 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.

Twenty-nine percent (29%) of the allegations identified were classified as Arrest Authorities and Procedures. Arrest Authorities and Procedures allegations included: arrest authority & Procedure; and false/illegal/improper/unlawful arrest.

Twenty-eight percent (28%) of the misconduct alleged were classified as Call Handling. Call Handling allegations included: call handling; failure to complete report/Investigate properly/handle; failure/refusal to provide information; illegal/improper body search; illegal/improper unlawful detention; illegal/improper/unlawful entry into private residence; illegal/improper/unlawful stop/detention/questioning/search/harassment; illegal/improper/unlawful ticketing / unlawful ticketing in retaliation; and refusal of medical treatment; illegal /improper/unlawful search.

Five percent (5%) of the allegations identified were classified as Evidence & Property Handling.

Two percent (2%) of the allegations identified were classified as Other. Other allegations included: Department Vehicle Operations.

Twenty-four percent (24%) of the allegations identified in the complaints were classified as Unprofessional Conduct Standards. Unprofessional Conduct Standards allegations 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.

Fourteen percent (14%) of the allegations were classified as Use of Force. The Use of Force allegations included: excessive use of force; and unnecessary use of force.

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 fifteenth year of operation, the Board had nine (9) suspended complaints, which were carried over from the previous year of operation (November 1, 2013 -

October 31, 2014). One (1) of the nine (9) suspended complaints was filed in the Board's eleventh year of operation (November 1, 2010 - October 31, 2011). Seven (7) of the nine (9) suspended complaints were filed in the Board's twelfth year of operation (November 1, 2011 - October 31, 2012). One (1) of the nine (9) suspended complaints was filed in the Board's thirteenth year of operation (November 1, 2012 - October 31, 2013). No complaints had their suspension lifted in the Board's fifteenth year. The Board ended its fifteenth year of operation with nine (9) 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).

2013-2014

In the Board's fourteenth year of operation, forty-two (42) complaints were filed with the Board. In addition, sixty-two (62) active complaints were carried over from the Board's thirteenth year of operation. The Board reviewed forty-three (43) complaints and rendered findings for forty-two (42) of those complaints. Forty-two (42) of the forty-three (43) complaints reviewed were previously not reviewed and were, therefore, carried forward in the Board's fourteenth year of operation. Nine (9) complaints had previously been suspended. One (1) was filed in the thirteenth year, seven (7) were filed in the twelve year, and one (1) was filed in the eleventh year.

Out of the forty-two (42) complaints that were filed in the Board's fourteenth year, the Board reviewed seven (7) and rendered findings for the allegations contained in six (6) complaints.

2014-2015

In the Board's fifteenth year of operation, forty-one (41) complaints were filed with the Board. In addition, fifty-four (54) active complaints were carried over from the Board's fourteenth year of operation. The Board reviewed forty-one (41) complaints and rendered findings for all forty-one (41) of those complaints. Thirty-six (36) of the forty-one (41) complaints reviewed were previously not reviewed and were, therefore, carried forward in the Board's fifteenth year of operation. Nine (9) complaints had previously been suspended. One (1) complaint was filed in the fifth year, eleven (11) were filed in the thirteenth year, and twenty-four (24) were filed in the fourteenth year.

Out of the forty-one (41) complaints that were filed in the Board's fifteenth year, the Board reviewed five (5) and rendered findings for the allegations contained in five (5) complaints.

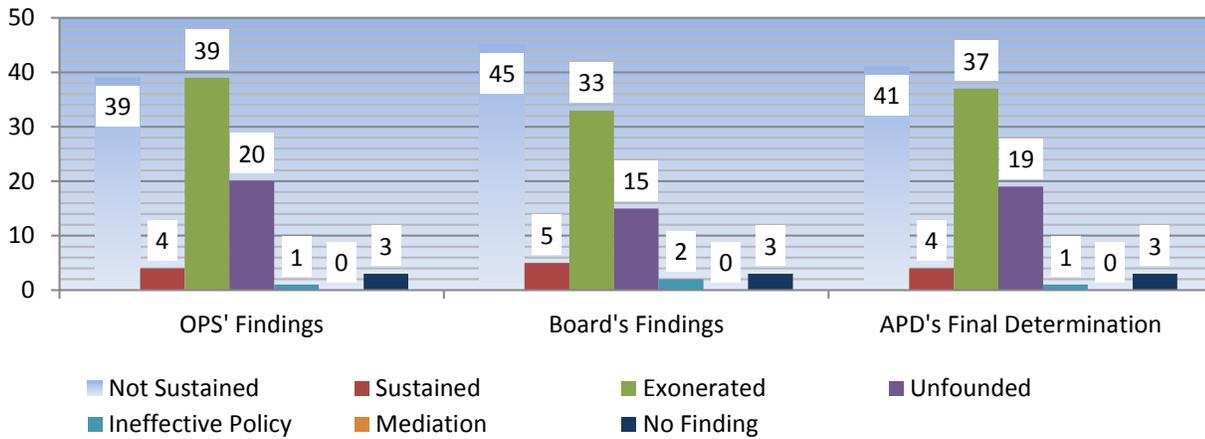


Figure 5: Comparison of the findings made by the Board and the findings made by the Police Department, including the preliminary findings of the Office of Professional Standards and the Albany Police Department’s final determinations (November 1, 2014 - October 31, 2015).

In its fifteenth year of operation, since twenty-nine (29) of the thirty-eight (38) 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-eight (38) complaints that were reviewed and closed contained a total of one hundred and three (103) 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 fifteenth year of operation, of the forty-one (41) 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. Zero (0) complaints were reviewed more than once during the fifteenth year and closed.

One (1) complaint was closed without review during the Board’s fifteenth year. Reasons for closing a complaint without review can include the Board voting not to accept and review these complaints due to the complaint being filed outside of the statute of limitations, being defective, or being filed without proper standing.

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. During the second, third and fourth quarters of 2015, a series of meetings held at the GLC were attended by Board members, GLC staff, a mediation consultant, APD, and Union representatives. During these meetings mediation protocols and forms were updated and finalized, and a mediator orientation was planned. A mediator orientation was held at Albany Law School during the fourth quarter of 2015; the list of attendees also included several community leaders. In the fifteenth year of operation, the Board did not forward any complaints to mediation.

Complaints Reviewed and Closed

At the conclusion of the fifteenth year of operation, the Board had not yet made findings with respect to fifty-eight (58) complaints, forty-eight (48) of which are open and active complaints and nine (9) of which are complaints that have been suspended from the Board’s review. None of these fifty-eight (58) complaints will be reported in the Board’s Fifteenth Annual Report and, therefore, they all will be carried forward into the sixteenth year.

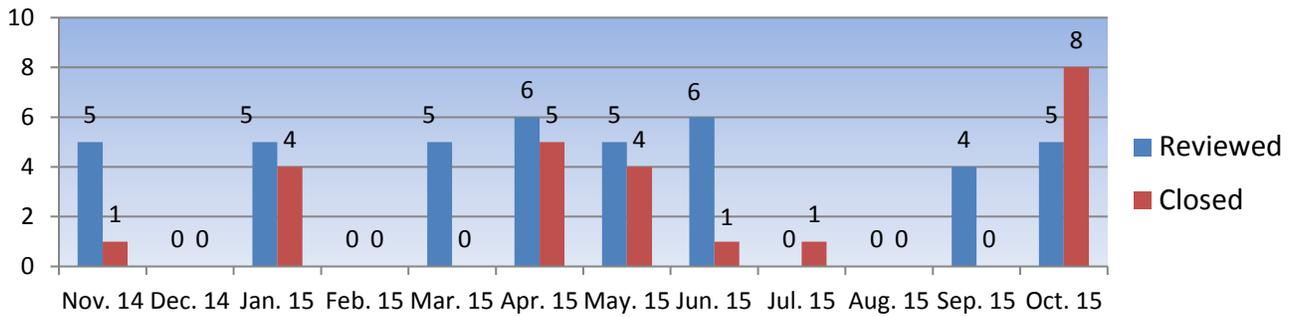


Figure 6: Monthly Comparison of Complaints Reviewed and Closed for the period November 1, 2014 to October 31, 2015.

GRIEVANCE FORM REVIEW: SUMMARIES AND STATISTICS

In its fifteenth year of operation, the Board received thirty-one (31) new grievance forms from the OPS, in addition to sixty-six (66) grievance forms that were filed in its ninth year of operation, ninety-one (91) grievance forms that were filed in its tenth year of operation, eighty-five (85) grievance forms that were filed in its eleventh year of operation, ninety-five (95) grievance forms that were filed in its twelfth year of operation, ninety-eight (98) new grievance forms that were filed in its thirteenth year, and sixty-one (61) grievance forms that were filed in its fourteenth year of operation. Out of the thirty-one (31) new grievance forms received from the OPS, four (4) complaint forms were filed. Of the five hundred and seventy-seven (577) grievance forms received by the Board since the inception of the grievance form process, one hundred and fifty-four (154) complaint forms were filed.

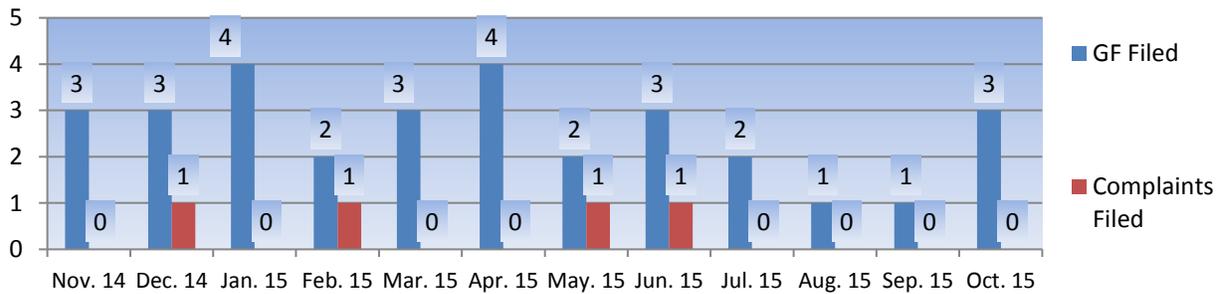


Figure 7: Monthly Comparison of Grievance Forms Filed and Complaints Filed for the Period November 1, 2014 to October 31, 2015.

REPORTS

In its fifteenth year of operation, two (2) quarterly reports and zero (0) annual reports 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 Fourth Quarterly Report of 2014; and the First Quarterly Report of 2015 were adopted by the Board before the close of the fifteenth 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 eight (8) times for the conduct of business in the fifteenth year. The meetings held in the fifteenth year of operation all took place at GWU the Center, 274 Washington Avenue, Teen Center Conference Room. Meetings were devoted primarily to the review of complaints and a discussion of committee activities, and due to conflicting summer vacation schedules, the Board did not meet during the months of July 2015 and August 2015. The Board did not meet as scheduled in December 2014, and February 2015. There was a public comment period held at each of the monthly meetings.

The Board met as a whole two (2) times for the conduct of business during the first quarter. These meetings were held on November 20, 2014 and January 8, 2015. The Board met as a whole two (2) times for the conduct of business during the second quarter. These meetings were held on March 12, 2015, and April 23, 2015. The Board met as a whole two (2) times for the conduct of business during the third quarter. These meetings were held on May 14, 2015, and June 11, 2015. The Board met as a whole two (2) times for the conduct of business during the fourth quarter. These meetings were held on September 10, 2015, and October 15, 2015.

CONCLUSION

The Board continued to be active in its fifteenth year of operation. In its fifteenth year, the Board re-elected and elected Board officers; elected chairs and members for its committees and task force; continued to work collaboratively with the APD towards the enactment of a mediation program; revisited its operating procedures and brochures; served as guest lecturers to community-based organizations; reviewed forty-one (41) complaints and closed a total of forty-three (43) of its active complaints; held eight (8) regular monthly meetings; held numerous 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 fifteen years of operation, the Albany Citizens' Police Review Board remains dedicated to improving communication between the Albany 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: March 9, 2017