

City of Albany Citizens' Police Review Board
Minutes of Meeting 10/15/01
200 Henry Johnson Boulevard
Community Room

In Attendance: Manual Alguero, Kenneth Cox, Morris Eson, Marilyn Hammond, Judith Mazza, Herman Thomas, Paul Weafer and Michael Whiteman

Absent: Eleanor Thompson

Chairman Kenneth Cox called the meeting to order at 7:10pm.

The agenda was reviewed. Morris Eson moved to accept the agenda. Paul Weafer seconded, all approved.

Michael Whiteman reviewed the minutes from the September meeting. Judith Mazza moved to accept the minutes. Herman Thomas seconded, all approved.

Review of Complaints. Paul Weafer reported that there were six complaints for review, in 4 of which monitors had been appointed.

CPRB Complaint # 15-01. Paul Weafer reported that Linda Davis was appointed to monitor this complaint. The complaint alleged that an argument arose between the complainant and another woman about the fact that the woman had left her child at the complainant's house while the child's mother went to another house. The complainant claimed that she was injured during the scuffle and that the police officers at the scene and in the hospital exhibited rude and racially-biased behavior toward her. In addition, the complainant alleged that the officers did not properly assist her in making a complaint about the other woman's conduct. When asked about her observations of the Office of Professional Standards' (OPS) investigation, Ms. Davis commented that, in her opinion, the investigation was thorough and complete. She explained further that it appeared that the complainant had not been able to point to anything to support her allegation of discrimination. Paul Weafer moved to accept the finding of OPS. Morris Eson seconded, all approved.

CPRB Complaint # 10-01. Paul Weafer reported that George Kleinmeier had been appointed to monitor this complaint. The complainant alleged harassment by police officers in retaliation for filing a lawsuit against the officers and the City. The complainant claimed that police officers drove the wrong way down a one way street, turned around in front of complainant, and rolled down the window. When the complainant asked what the officers were doing, they responded that they had just dropped by to say "hi."

George Kleinmeier commented that the witnesses to the complaint appeared to have been coached. Michael Whiteman raised a question about the officers' inability to recall

the events in the complaint. The discussion moved to investigative techniques used by OPS to refresh an officer's recollection and a question was raised about the officers' knowledge of the lawsuit. Marilyn Hammond commented that she is concerned about the community's perception of these types of incidents where the officer claims that he/she was unaware of the lawsuit against the officer(s) or the City as was the claim in this complaint.

Michael Whiteman raised a question about the monitor's belief in this case that he was not permitted to be present at an interview. Lieutenant Bruno responded that the monitor has full access to interviews conducted by OPS, except interviews of the officer(s) subject to the complaint. Judith Mazza moved to accept the finding of OPS, but recommended that a policy be implemented and training be given to officers regarding contact with plaintiffs in lawsuits against the officers or the City. Paul Weafer seconded, all approved.

CPRB Complaint # 12-01. Paul Weafer reported that Bruce Androphy was appointed to monitor this complaint. The complaint, filed on July 5, 2001, involved a 1999 landlord/tenant dispute. The complaint was filed by the landlord. The complaint alleged that the tenant failed to pay rent to the landlord, which resulted in the landlord taking possession of the tenant's property. The tenant sought the assistance of the police to retrieve his possessions from the landlord. Two police officers went to the landlord's residence to inquire about the property. The landlord would not permit the officers to enter his residence without a search warrant. The complainant was then arrested for petit larceny. The landlord claimed that during his arrest he was physically abused and subjected to inappropriate advances by an officer during a strip search. Due to the nature of the allegations in the complaint, Michael Whiteman moved that the complaint be tabled for review in executive session. Upon a second, it was unanimously resolved to table.

CPRB Complaint #17-01. Paul Weafer reported that Richard Lenihan was appointed to monitor this complaint. The complainant was arrested for violating a noise ordinance by playing loud music. The complaint alleged that the officer goaded the complainant into a confrontation. Paul Weafer asked Richard Lenihan if, in his observations, the investigation was proper. Mr. Lenihan responded that it was, but noted that he did not personally interview the complainant or witnesses. After discussion, Judith Mazza moved to accept the finding of OPS. Chairman Cox seconded, all approved.

CPRB Complaint # 21-01. Paul Weafer reported that the parties have agreed to mediation of this complaint and therefore, no action would be taken by the Board at this time.

CPRB Complaint #24-01. The complainant alleged that she was removed from a courtroom, where she was waiting to see a public defender, for speaking loudly. While being removed, her upper arm was squeezed too tightly. OPS reported that the complainant requested that her complaint be withdrawn. Manual Alguero asked Lieutenant Bruno whether OPS would follow up on the complaint despite the fact that

the complaint was withdrawn. Lieutenant Bruno responded that OPS would if there was a serious allegation.

Paul Weafer concluded by reporting that only one new complaint had been received since the last meeting of the Board.

Upon motion duly made and seconded, the Board then resolved to move into executive session to consider cases in which it believed that the Board's deliberation would entail the discussion of matters that should not be publically disclosed in accordance with Civil Rights Law § 50-a. During the session, the following transpired:

CPRB Complaint # 12-01 was discussed. Manual Alguero moved to request further information from the Chief, with a recommendation that police officers receive training with respect to search and seizure of property in a landlord/tenant dispute, and that a policy be implemented to discourage the conduct complained of. Herman Thompson seconded. All approved except Morris Eson who abstained.

CPRB Complaint #15-01 was discussed. The Board moved to amend its finding in open session to include a recommendation to the Police Chief that the parties to this complaint participate in conciliation.

The Board moved back into open session at approximately 9:45 pm.

Michael Whiteman raised a question regarding the two complaints whose review was suspended by the Mayor. Patricia Salkin added that the review of a third complaint had also been suspended. Mr. Whiteman inquired about the Board's filing system with respect to these complaints in particular, but as to all complaints filed with the Board. He suggested that the Government Law Center conduct an accounting of the status of all complaints filed with the Board to date.

Public Outreach. Judith Mazza reported that Morris Eson, Eleanor Thompson and Manual Alguero attended an outreach meeting with the Center for Law and Justice on September 13, 2001, that she, Chairman Cox and Eleanor Thompson met with the NAACP on September 18, 2001, and that the CPRB web site had been launched. She noted that there was an outreach meeting on October 23, 2001 at 7:00pm with the Capital District Gay and Lesbian Council, and that the Board's October 16th training session had been canceled.

Ms. Mazza made a recommendation that monthly board meetings be rescheduled so as not to conflict with the meetings of the Common Council, which are held the first and third Monday of every month, and to encourage press coverage of the Board's Meetings. Chairman Cox noted the recommendation and responded that the Board would take this issue up at a later date.

The meeting was adjourned at 10:00pm.

Respectively submitted:

Michael Whiteman
Secretary