

City of Albany Citizens' Police Review Board  
Minutes of 11-5-2001 Meeting  
Albany Public Library  
HBH Room

In Attendance: Manuel Alguero, Morris Eson, Marilyn Hammond, Judith Mazza, Herman Thomas, Eleanor Thompson, Paul Weafer and Michael Whiteman

Absent: Kenneth Cox

Vice Chair Herman Thomas called the meeting to order at 7:05pm. Mr. Thomas reviewed the agenda. Paul Weafer moved to amend the agenda to include public comment immediately preceding adjournment of the meeting. Michael Whiteman seconded, all approved.

Manuel Alguero presented a copy of the Citizen Complaint Form translated into Spanish. Judith Mazza moved to accept the translated form. Paul Weafer seconded, subject to approval by the Albany Police Department. All approved.

*Public Outreach.* Judith Mazza reported that she, Paul Weafer and Eleanor Thompson attended the Gay and Lesbian Community Council outreach meeting on October 23, 2001. Ms. Mazza noted that Board members spoke about the role of the CPRB, sentiment in the community toward the police, and the potential for outreach trainings. Paul Weafer reported that, overall, the Gay and Lesbian Community Council felt that the police were cooperative and supportive. Mr. Weafer added that he thought the meeting was very informative and suggested meeting with Chief Wolfgang to discuss domestic abuse in the gay community, an issue that presented itself during the outreach meeting.

Judith Mazza added that there will be an outreach meeting with SUNY Albany's Personal Safety and Off-Campus Affairs group on November 14, 2001 at 7:00pm. Paul Weafer, Marilyn Hammond and Eleanor Thompson volunteered to attend.

*Old Business.* Paul Weafer reported that five new complaints have been received, and that monitors have been appointed for two of the cases.

CPRB Case # 16-01 (OPS Case # CO 01-303) Paul Weafer reported that Theresa Balfe was appointed to monitor this complaint. He noted that she was unable to attend the meeting and has not had an opportunity to speak with the complainant. An invitation was extended to the complainant, who was present at the meeting, to return for the December 3, 2001 meeting. The case was tabled until December.

CPRB Case # 18-01 (OPC Case # 01-324) Paul Weafer reported that this complaint

would be held over until the December 3, 2001 meeting. Mr. Weafer asked if the monitor in CPRB Case # 16-01 (OPS Case # 01-303) and CPRB Case #18-01 (OPC Case # 01-305) was present during OPS' interviews with the complainants. Commander Paula Breen reported that the monitor was present at one of the interviews, but not the other.

Michael Whiteman stressed the importance of having the monitor's reports ready in these cases for the December meeting. Judith Mazza suggested that the monitors submit written reports in advance of the Board's meetings and encouraged the monitor to reach out to OPS before the next meeting to schedule a time to speak with the complainant in the second case.

CPRB Case # 9-01 (OPS Case # CO1-243) Paul Weafer reported that this complaint was heard in Executive Session two months ago. Mr. Weafer noted that both he and Morris Eson spoke to Commander Breen and Anthony Bruno and reviewed the tapes and transcripts relating to this complaint. Based upon this review, Paul Weafer moved to uphold the findings of the Police Department, that the complaint was not sustained. Herman Thomas seconded, all approved.

CPRB Case # 20-01 (OPS Case # C01-334) Paul Weafer reported that Richard Lenihan was appointed to monitor this complaint. Mr. Weafer noted that Mr. Lenihan's report had been submitted to the Board and asked Mr. Lenihan to give a summary of his report. Mr. Lenihan summarized the report as follows: The complaint involved an individual who claimed that there was a burglary at his residence, which was close to the West Station. Rather than wait for the police to arrive, the individual went to the Police Department with his 12-year-old son to lodge a complaint. The individual had some difficulty at the station, and he contradicted himself. For the most part, the police officers on duty had little or no recollection of the incident. It was apparent from other evidence, however, that the complainant was intoxicated at the time of the incident. In the complaint, the 12-year-old said he was physically and verbally abused. OPS interviewed the son outside the presence of his father. The son said that his father influenced his testimony taken at the police station, not in the driveway, as alleged in the complaint. On his way home the individual made four calls to the State Police. Mr. Lenihan recommended that the case be closed and noted that further investigation would not be warranted.

Eleanor Thompson asked whether sensitivity training is being done. Commissioner Nielsen reported that sensitivity training is part of ongoing in-service trainings for all officers.

Michael Whiteman expressed his continuing concern at the surprising number of cases where there is a lack of recollection on the part of the officer with respect to the incident or conduct complained of. He noted that the Department and the Board should address this. He commented that in less than 24 hours, the lapse of time in this case between the incident and interviews, memory should not have faded. Paul Weafer agreed, and

added that credibility is strained after memory fades.

Paul Weafer commented that the Board should reach out to the new union leadership to ensure that they are present at the meetings.

Michael Whiteman suggested that the Board meet with the Union President and Vice President.

Richard Lenihan added that insensitivity did not come into play in this case, and noted that the end result was that time and money was wasted.

Manuel Alguero disagreed that this case was a waste of time and money. He commented that each case is instructive and each experience contributes to the long term benefit of Board.

Paul Weafer then moved to accept the findings of OPS that the complaint was not sustained. Marilyn Hammond seconded, all approved.

CPRB Case # 25-01- (OPS C01-398) Paul Weafer reported that this complaint involved an ongoing dispute between two neighbors. The complainant's neighbor complained that the complainant was washing his car in front of the neighbor's house. As a result, the complainant moved his car in front of his own residence. However he parked the car so that it was partially on the lawn and partially on the sidewalk. Shortly thereafter, the neighbor called the police. The complainant admitted that he raised his voice to the responding officer and that he refused to move his car off the sidewalk. When the responding officer went into the neighbor's house, a second officer arrived at the scene and issued a ticket to the complainant because he would not remove his car from the sidewalk. The second officer was asked to drop the ticket but the officer said that he could not. When the responding officer came out of the neighbor's house, the complainant accused the officer of being racial. The officer responded that he was racial, stating "I'm a redneck."

Michael Whitman inquired about the character of the neighborhood. Judith Mazza responded that the neighborhood is somewhat mixed.

Paul Weafer added that the complainant thanked the seconded officer for calming him down.

Michael Whiteman inquired about the history of complaints in the neighborhood. Lieutenant Bruno responded that the neighborhood is relatively quiet.

Paul Weafer asked how officers are trained to respond when someone tells the officer that he or she is racial or worse and how the department trains them not to respond in kind in the heat of battle.

Commissioner Nielsen responded that it is common for inflammatory remarks to be made in these situations. He added that the Police Department trains the officers to be highly professional in this type of situation, and examples are made of officers to show that the department will not tolerate this type of behavior.

Judith Mazza noted her support of community policing and the use of beat cops. She then moved to find that the complaint was not sustained, as also found by OPS. Paul Weafer seconded, all approved.

*New Business.* Paul Weafer reported that three new complaints had been received by the Board, and added that a monitor was appointed for two of the three cases. A brief summary was given: one case involved an allegation of excessive use of force, the second case alleged a violation of civil rights, abuse of religion and racial slurs, and the third case did not warrant appointment of a monitor.

Judith Mazza noted that the Board has asked the police department to furnish a copy of the police report with the complaint because it would assist the Board in determining when to appoint a monitor.

Morris Eson asked why the Board did not get a copy of the police report with the complaint.

Michael Whiteman commented that weighing the complaint against the initial police report may result in prejudgement. He noted the benefit of having an independent witness to observe the investigation, gather facts, etc., and that we should, therefore, not shrink from appointing a monitor on the basis of the complaint without weighing the complaint against the initial police report. He added that a monitor is worthwhile because he or she adds credibility to the investigation.

Quarterly Report. The fourth quarter report was reviewed, Manuel Alguero moved to accept the report. Herman Thomas seconded, all approved.

Monthly Meetings. The Government Law Center reported that the Board's monthly meetings would be moved to the second Monday of the month commencing in January so as not to conflict with the Common Council meetings. The December meeting however, will remain on the first Monday of the month, December 3, 2001. Judith Mazza moved to accept; Paul Weafer seconded; all approved. The Government Law Center also reported that the Board's mediation training is scheduled for Monday, November 26, 2001 from 6:00 pm - 8:00 pm at Albany Law School.

Judith Mazza requested a list of Board members' e-mail address and phone numbers from the Government Law Center.

Public Outreach. Herman Thomas reported that he has been in contact with One Hundred Black Men to set up an outreach meeting and would report back to the Board.

Herman Thomas then moved to adjourn the meeting. Judith Mazza seconded, all approved.

The meeting was adjourned at approximately 8:29pm

Respectfully Submitted,

Michael Whiteman  
Secretary