

**City of Albany
Citizens' Police Review Board
Albany Law School
80 New Scotland Avenue – East Wing
February 21, 2008
6:00 p.m. – 8:00 p.m.**

Present: Jason Allen, James Malatras, John Paneto, Andrew Phelan, Jr., Anthony Potenza, and Fowler Riddick.

Absent: Daniel Fitzgerald and Ronald Flagg.

I. Call to Order and Roll Call

Chairman Jason Allen called the meeting to order at 6:05 p.m.

II. Approval of the Agenda

The agenda was reviewed. James Malatras moved to approve the agenda. Fowler Riddick seconded the motion. The motion carried unanimously.

III. Approval of the November 8, 2007 and December 20, 2007 Meeting Minutes

The November 8, 2007 and December 20, 2007 meeting minutes were reviewed. James Malatras moved to approve the November 8, 2007 meeting minutes. Fowler Riddick seconded the motion. The motion carried unanimously. Fowler Riddick moved to approve the December 20, 2007 meeting minutes. James Malatras seconded the motion. The motion carried unanimously.

IV. New Business

A. *New Complaints*

1. New Complaints Received Since January 10, 2008 Meeting

Andrew Phelan reported that seven (7) new complaints had been received by the Board since its January 10, 2008 meeting. Mr. Phelan read a summary of each new complaint.

CPRB No. 1-08

According to the complainant, on the night of December 16th he crashed his car into a pile of ice on the corner of South Lake and Madison Avenue. He left his car there because he could not get it out. As a result, his car was towed. The complainant alleges that the officer listed on the release form was the same officer he had problems with a

year ago. The complainant further alleges that when he called the police station to get more details regarding the tow, an officer gave him a phone number to reach the officer listed on the release form. When he tried calling the number, no one answered. The complainant alleges that two officers went to his job and told his boss that someone at the Traffic Safety Department told them that the complainant was going to poison their food. The complainant claims that he was fired for that accusation.

A monitor was not appointed to investigate this complaint.

CPRB No. 2-08

As the complainant was on his way home, an officer with three to four back-up officers stopped him and his friend and asked his friend to get into the back of the second patrol car. The skinny officer began asking the complainant questions like “what you getting into tonight?” and “where is the crack?” to which he replied “nothing sir,” and “I don’t have no crack on me.” The complainant alleges that the officers began laughing at him and calling him names. The complainant further alleges that the skinny officer took his crutch away from him, which he depends on for leg support. When the complainant asked the officer if he wanted to see his ID, he alleges that the officer grabbed both of his arms and squeezed them so tight he felt poor blood circulation. The complainant claims that the skinny officer began searching him (including his hat) without a search warrant or his permission and found nothing. According to the complainant, when he asked the cops why they stopped him, they said that they got a call that a black guy wearing a black jacket with silver dollars on it was selling drugs and bothering people and the complainant fit that description. The complainant alleges that the officer kept his crutch from him for at least half an hour before giving it back. The complainant further alleges that the officers began mocking every word that he said, so he felt intimidated and thought they were going to shoot him. When asked for his name and address, he gave the information to the officer and he ran it through the computer and did not find any warrants. As the officer sped off, the complainant claims that the officer told him to watch out for him. The complainant alleges that the officers were unprofessional, disrespectful and intimidating towards him.

A monitor was appointed to investigate this complaint.

CPRB No. 3-08

The complainant alleges six incidents where an officer harassed her and her son; illegally searched her home, her son, and other teens that were with her son; accessed her son’s school; involved social services; and interfered with a judicial order. The complainant also would like to have an order of protection against him. The complainant claims that she is fearful of this officer.

A monitor was not appointed to investigate this complaint.

CPRB No. 4-08

On the night of June 30, 2007, the complainant alleges that he was arrested and put into a paddywagon with his hands cuffed behind him. The complainant further alleges that the officer failed to put on his seatbelt which resulted in him flying face first into a beam divider located in the middle of the paddywagon. According to the complainant, he must have passed out because the only thing he remembered was being pulled out of the paddywagon at the station, with excruciating pain in his left shoulder and could not see out of his left eye because it was swollen shut. He asked for medical treatment and was taken to the emergency room.

A monitor was appointed to investigate this complaint.

Chairman Jason Allen asked why it took so long for the complainant to file a complaint. Commander Burris Beattie replied that the standard operating procedure is thirty days, but the Office of Professional Standards will review it anyway because the detective already began interviewing the complainant and a monitor has been assigned. The Board agreed that the investigation should run its course.

CPRB No. 5-08

The complainant alleges that two officers approached him after watching him leave his new apartment. According to the complainant, the officers said they were receiving complaints that people were smoking crack in the complainant's apartment. The complainant claims that he previously had issues with the officer for setting him up. After those charges were dismissed, the complainant alleges that the APD has been harassing and watching him in hopes of setting him up again. The complainant further alleges that one of the officers pushed him and knocked him to the ground. The complainant claims that the officer questioned him illegally.

A monitor was appointed to investigate this complaint.

CPRB No. 6-08

Please note that this complaint was also filed by the complainant who submitted CPRB No. 5-08. The complainant alleges that on the night of February 10 and morning of February 11, police officers illegally stopped, questioned, and accused him of breaking into people's cars because he had two cell phones. The complainant alleges that his constitutional rights are constantly being violated by these officers. He further alleges that this officer keeps harassing him for no reason.

A monitor was appointed to investigate this complaint.

CPRB No. 7-08

On December 6, 2007, the complainant claims that he was involved in a minor motor vehicle accident with another vehicle. The complainant alleges that the officer who responded to the accident issued him a ticket for an unsafe u-turn. According to the complainant, when he asked the officer if the driver of the other car was going to get a ticket as well for reversing her car into his car, the officer responded that the other driver was getting a ticket for having a suspended license. When the other driver heard the officer's remark, the complainant claims that she said that she thought the other officer took care of it. The officer told the driver of the other vehicle that he would speak to her after he was done with the complainant. The complainant alleges that a relationship exists between the other driver and members of the APD because his insurance adjuster notified him that the other driver never received a ticket at the scene of the accident or after the accident.

A monitor was not appointed to investigate this complaint.

2. New Complaints for Review

Chairman Jason Allen reported that there was one (1) new complaint on the agenda for review by the Board.

CPRB No. 19-07/OPS No. C07-538 (Presented by Jason Allen)

Chairman Jason Allen summarized the complaint. The complainant filed a complaint concerning an incident that occurred on August 28, 2007. The complainant alleged she was contacted by her roommate and informed that the Albany Police were looking to speak with her. The complainant was at JFK Airport awaiting a flight. The complainant alleged she contacted the Center Station and spoke with an officer. The complainant alleged the officer didn't give his name and told the complainant he couldn't help her and that she would have to contact another officer. The complainant stated she explained to the officer that she was leaving the country and that she would have to deal with it when she returned and hope she didn't get arrested. The complainant alleged the officer told her to do just that and hung up on her. The complainant called back and spoke with the officer again and alleged that the officer told her she was leaving the country and to do that and hung up on her again. The complainant later received assistance from another officer.

Chairman Allen summarized the findings of the OPS on the conduct standards allegation as *sustained*; the first call handling allegation as *sustained*; and the second call handling allegation as *sustained*. He added that based on the report, the officer acknowledged that he acted inappropriately. Chairman Allen acknowledged that the complainant was present. He explained the review process to the complainant. Chairman Allen further explained that the Board is not privy to whether or not the officer was disciplined.

Commander Beattie agreed that the officer's discipline could not be discussed. A friend of the complainant asked what the range of officer discipline was. Commander Beattie responded that the discipline ranges from counseling, suspension, to termination of employment.

Chairman Allen noted that according to the report, the officer said that one of the reasons he reacted inappropriately was because he was stressed out because he was the only one at the desk. The complainant added that when she called the station back it sounded like there was more than one officer at the desk.

Chairman Allen moved to accept the OPS findings of *sustained* on all three allegations. James Malatras seconded the motion. The motion carried unanimously.

B. *Appointment of New Members to the Committee on Complaint Review for March 2008*

The following Board members were appointed to the Committee on Complaint Review for March 2008: Chairman Jason Allen, John Paneto, Andrew Phelan, Jr., Anthony Potenza, and Fowler Riddick

C. *Approval of 2007 Third Quarterly Report*

Chairman Jason Allen noted that the 2007 third quarterly report will be approved at the next meeting of the Board.

D. *Committee/Task Force Reports*

By-Laws and Rules/Mediation

Committee Chairman Jason Allen reported that due to a change in APD Union representatives there will be a delay in the Chief's approval of the list of mediators. He added that the Chief hopes to have a response by next week. Chairman Allen reported that Assistant Corporation Counsel Patrick Jordan is reviewing the legislation and mediation protocol for consistency before any changes are recommended to the Albany Common Council. Mr. Jordan explained that he has been out of the office due to a family emergency and will look at both documents. He noted that he should have some changes ready for the Board's review by next week.

Community Outreach

Committee Chairman James Malatras reported that the Spanish version of the CPRB brochure was included in the meeting packets. He added that the translation was done by a professional transcription service. He suggested that the Board review it and then move to approve it. Mr. Malatras further reported that Board member John Paneto has an outreach presentation scheduled for March 2008. He asked Coordinator of the Board

Sharmaine Moseley to email the details of the meeting to the Board. Mr. Paneto added that the group reached out to him after hearing the committee's presentation at the CANA meeting in December 2007.

Mr. Malatras moved to approve the Spanish version of the CPRB brochure based on further review by Mr. Paneto. Chairman Allen seconded the motion. The motion carried unanimously.

Police Department Liaison and Policy Review/Recommendations

In the absence of Committee Chairman Dan Fitzgerald, Chairman Jason Allen reported that the committee met with Commander Burris Beattie and agreed that the OPS detectives will email monitors when they have reached certain milestones in an investigation. Chairman Allen further reported that there was a discussion on the APD's early warning system. He noted that Commander Beattie agreed to reach out to Chief James Tuffey regarding a new plan for the early warning system.

Public Official Liaison

In the absence of Committee Chairman Ronald Flagg, Chairman Jason Allen suggested that within the next month or two, the committee meet with the Albany Common Council's Public Safety Committee and Deputy Mayor Phil Calderone to move things forward.

Task Force on Monitors

Task Force Chairman James Malatras reported that he is waiting for the minutes from the meeting between the policy review committee and Commander Beattie before he reviews the protocol.

E. *Report from the Government Law Center (GLC)*

Government Law Center Coordinator of the Board Sharmaine Moseley gave the report.

Complaint Inventory as of Date of Meeting

It was reported that as of today, there are currently twenty-nine (29) active complaints before the Board for review. Of those twenty-nine (29) active complaints, one (1) was reviewed at tonight's meeting, which leaves the Board with twenty-eight (28) active complaints.

It was further reported that two hundred forty-eight (248) complaints have been closed and nine (9) complaints remain suspended from review. The total number of complaints filed to date is two hundred eighty-five (285).

Reports

It was reported that the Center is currently drafting the fourth quarterly report for 2007, and expects to have it ready for approval by the next Board meeting. It was also reported that the Board's January meeting minutes are included in the meeting packets for Board review and comment.

Board Meeting

It was reported that the next Board meeting is scheduled for Thursday, March 13 at the Albany Public Library.

Board Vacancy

John Paneto asked about the status of the new board member. Ms. Moseley replied that she has been in contact with the Mayor's office, and they are aware that they need to fill the vacancy.

F. *Report from the Office of Professional Standards*

Commander Burris Beattie reported that they hope to have the fourth quarter report by next month's meeting.

G. *Report from the Chair*

Chairman Jason Allen noted that the Board's subcommittees are a great way to drive Board initiatives whether it is meeting with the OPS or working on policy and procedures. He added that Mr. Malatras did a great job working with the monitors and outreach efforts.

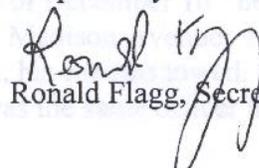
V. Public Comment

Chairman Jason Allen opened the floor for public comment. He noted that there were no comments offered.

VI. Adjournment

Chairman Allen moved to adjourn the meeting. Andrew Phelan seconded the motion. The motion carried unanimously. The meeting adjourned at 6:40 p.m.

Respectfully submitted,


Ronald Flagg, Secretary