

City of Albany
Citizens' Police Review Board
Albany Public Library
(Large Auditorium—formerly the HBH Room)
August 23, 2004
6:00 p.m. - 8:00 p.m.

Present: Manuel Alguero, Kenneth Cox, Barbara Gaige, Marilyn Hammond, Judith Mazza, Herman Thomas, Paul Weafer, and Michael Whiteman.

Absent: Eleanor Thompson.

I. Call to Order & Roll Call

Chairman Kenneth Cox called the meeting to order at 6:04 p.m.

II. Approval of the Agenda

The agenda was reviewed. Chairman Cox stated that he wanted to make one modification to the agenda. He noted that the Board had listed six (6) new complaints on its agenda for review, but reported that one (1) complaint would be postponed until the Board's next meeting, CPRB No. 12-04/OPS No. C04-317. Paul Weafer requested that the first complaint on the agenda, CPRB No. 30-03/OPS No. C03-786, also be postponed. Chairman Cox commented that the first and fifth complaints listed on the agenda would be postponed until the next meeting.

III. Approval of the July 2004 Meeting Minutes

The July meeting minutes were reviewed. Chairman Cox made a motion to approve the minutes. Vice-Chairman Herman Thomas seconded the motion. The motion carried unanimously.

IV. New Business

A. New Complaints

1. New Complaints Received since the July 26, 2004 Meeting

Barbara Gaige reported that five (5) new complaints had been received by the Board since its July meeting. Ms. Gaige read a summary of each complaint.

CPRB No. 16-04

The complainant claims that in the midst of a domestic dispute, her son called 911. When the police arrived, she was sitting outside of her apartment and her husband was inside. After being asked whether she wanted her ex-husband to leave, she responded by saying "yes, to go and take a walk 'ONLY.'" The complainant claims that a police officer then "charged at him, [threw] him to the

floor, handcuff[ed] him, then started to kick, stomp[] and beat[] him.” The complainant stated that her ex-husband was then taken to jail. According to the complainant, her ex-husband did not assault the police officer and did not obstruct governmental administration as far as she was concerned. *A monitor was appointed.*

CPRB No. 17-04

The complainant alleges that he was “brutally physically assaulted, wrongfully and unlegally (sic) arrested,” and was “forced back in jail because he didn’t waive [his] preliminary hearing.” Prior to his arrest, the complainant claims that he was hiding from an officer. According to the complainant, the officer had not told him that he was under arrest and did not instruct him to halt. The complainant alleges that the officer saw him lying down and did not try to arrest him. The complainant claims the officer “savagely beat [him] semi-unconscious.” The complainant also claims he was not read his rights or offered counsel; and was unlawfully detained. *A monitor was appointed.*

CPRB No. 18-04

The complainant alleges that he and his brother were standing on Lexington Avenue at approximately 11:40 p.m. when an officer, who was riding up the intersection of Orange and Lexington Streets, began to slowly drive and steer in the direction of him and his brother. According to the complainant, he asked the officer whether there was a problem, and the officer abruptly stopped his vehicle and approached him. The officer then instructed him to stand against the wall. The complainant claims that after asking if there was a problem a second time, the officer grabbed his hand and placed him on the building. The complainant alleges that words were exchanged. *No monitor was appointed.*

CPRB No. 19-04

The complainant claims that she received a call stating that her son was being harassed by the Albany Police. When she arrived at the scene, she alleges her son was handcuffed and sitting on the curb. She states that her son and his friends were sitting in a parking lot at the Arbor Hill Baseball field eating food that they had ordered from the concession stand. According to the complainant, two officers approached the car because one of the boys had thrown his plate on the ground. She claims the boy was ticketed for littering and let go, despite there being an outstanding warrant for the boy’s arrest. She alleges the officers proceeded to pull her son out of the car and search the car without probable cause. She claims the officers ran her son’s license and told him that his license was suspended. The complainant claims that her son’s license was not suspended since she had recently appeared with her son to pay any and all outstanding traffic offenses. However, the officers told her son that the tickets were not paid for and arrested him. The complainant alleges she followed her son to the police station and was told that her son would not be coming home; he would be staying the night. After demanding to speak with the sergeant on duty, the sergeant notified her that her son would be released with some tickets. The complainant alleges the officers have harassed her son on two previous occasions and that her family feels

his life is in jeopardy. She also claims that she has personally witnessed the officers harassing other African-American males in her community. *A monitor was appointed.*

CPRB No. 20-04

The complainant claims she was a passenger in a vehicle involved in a rear-end accident. She alleges that she was treated for possible injury to her neck and shoulder at the scene. During this time, the complainant claims an officer asked her “while yelling” what was wrong and she answered “neck [and] shoulder.” The complainant alleges the officer then stated “there is nothing wrong with the car and if you [are] filing a false police report[,] I will have you arrested.” She claims the officer continued to question her, “using an intimidating tone.”

2. New Complaints for Review

CPRB No. 30-03/OPS No. C03-786 (Presented by Paul Weafer)

Mr. Weafer stated that he wanted to postpone the review of this complaint until next month, but added that he had a few questions. He stated the complainant’s name [*omitted*], and noted that the complaint was approximately 25 pages, which the complainant wrote while he was in the Albany County Jail. Mr. Weafer commented that he thought the principal person making the allegation against him was also in the Albany County Jail. According to the monitor’s report, the complainant is no longer in Albany County Jail, but rather is in New York City. The location of the person who claimed he was accosted by the complainant on the street with a handgun is unknown. Mr. Weafer requested that the Office of Professional Standards provide the Board with additional information regarding the following: 1) whether or not the complainant is anywhere to be found; 2) whether or not the complainant can be interviewed; 3) whether or not the complainant pled to the charged and served time; and 4) what prompted the person to make the complaint against the complainant.

According to Mr. Weafer, the only witness that seems to be around is the woman that the complainant was living with for the weekend, but she has a new boyfriend. He added that this woman had a warrant out for her arrest. Commander Steven Krokoff, Office of Professional Standards (OPS), responded that he believed the woman was now in Virginia under another name.

CPRB No. 6-04/OPS No. C04-156 (Presented by Barbara Gaige)

Ms. Gaige summarized the complaint. The complainant alleges a police officer pushed her son across the street and used profanity when asking her son to move from the street. In looking at the son’s statement, there was a fight at Lark and Livingston and the boy was waiting at the bus stop for his younger brother. He claimed that he cut his hand on glass, but was not involved in the fight. He stated that a police car arrived and two officers exited. The officers asked the complainant’s son what he was doing, and he stated that he was waiting for his

brother. He alleged that approximately five minutes later, he approached an officer and asked for a tissue for his bleeding hand. He claimed that one of the officers then grabbed his neck and ordered him, using profane language, to move across the street before he took him to juvenile detention. He alleged the officer shoved him and he almost lost his balance.

In the officer's statement, he claimed that he was dispatched to the corner for a group of children beating up on another child. According to the officer, he asked the group to move, however, one child refused, claiming that he wasn't fighting. He stated that the child then asked for a tissue after refusing to move. The officer didn't know why the child wanted a tissue. At this time, the child was in the middle of Lark and Livingston. The officer stated that he did a two hand escort to move the child from the street. The officer stated that he did use profanity to show the child that he meant business because he made several polite requests and the child didn't move. The witness stated that she saw the police officer shove the boy.

The complainant arrived and was described by the New Covenant Charter School staff as being irate, yelling, and cursing. The staff stated that the officer was calm during his interaction with the mother and was not unprofessional at any time. The second officer stated that the complainant would not listen to an explanation from the first officer and she continued the swearing and screaming.

OPS, in their investigation, talked to witnesses and went to New Covenant School and spoke with three staff members. The OPS made a preliminary finding of "*exonerated*" as to the use of force. The officer requested everyone to move across the street, which they did except this young man. The young man eventually moved to the middle of the street, but still stood there in the middle of the street. He was apparently escorted for his own safety.

The OPS made a preliminary finding of "*sustained*" as to the unprofessional conduct allegation. The officer admitted using profanity when speaking to the complainant's son.

Ms. Gaige then made a motion to accept OPS's preliminary findings. Manuel Alguero seconded the motion.

Mr. Whiteman questioned why the physical contact occurred - was it for safety reasons? was the boy threatening? Ms. Gaige responded that the officer felt it necessary because the child was standing in the middle of Lark Street. She added that the child just wasn't moving and, therefore, was escorted to the sidewalk. Ms. Gaige noted that the officer asked the child to move several times and used the word "please" several times and felt that he had done everything that he could by being polite, but the child still didn't move. Unfortunately, he used the profanity to show the child that he meant business. Mr. Weafer reported that the officer acknowledged that he used profanity.

Judith asked how old the child was. Ms. Gaige replied that he was 13 years old. There was discussion about the size of the boy.

Chairman Cox questioned if the mother was present during the incident. Mr. Whiteman stated that the mother was there just before the incident and drove back after when she received a phone call from someone who did hear of the incident.

Ms. Gaige inquired as to the force continuum and whether the force used was in that continuum. Commander Krokoff responded that the force used wouldn't fall in the continuum. The officer would do anything he would need to do to get the child out of the street.

Mr. Whiteman commented that the allegation was the boy was being more than guided across the street, and added that the mother complained that the boy was grabbed by the nape of the neck. Ms. Gaige responded that there was no injury.

A vote was taken on the motion, and the motion carried unanimously.

Ms. Mazza inquired as to where the complainant got the complaint form. She noted that the form used was an old complaint form and that the Board has seen two recent complaints on this form. Commander Krokoff responded that he was not sure where the complainant got the form, but would check the stations, get rid of any old forms, and make sure that new forms were made available.

CPRB No. 9-04/OPS No. C04-244 (Presented by Michael Whiteman)

Mr. Whiteman summarized the complaint. He reported that there was a dog fight incident. According to the complainant, the dog's owner, the victim of the dog bite had stated that he was okay so the owner returned to his apartment, kenneled the dog, and went out for the evening. Upon his return, he discovered that the dog had been seized, but that he could get the dog back at some time and place.

The OPS report indicates that the OPS attempted to interview the victim, but were unable to do so. Mr. Whiteman reported that he had viewed the photographs of the dog bite. According to Mr. Whiteman, the victim may not have been aware of how serious the bite was, and added that it was a five to six inch gash just to the right side of the breast. The gash appeared to be an inch and a half deep. The victim was taken to the emergency room. The police returned to the apartment of the owner to take the dog for observation to determine if the dog was rabid. Finding no one at home between 11:30 p.m. and 3:30 a.m., the officers called their supervisor and sought instructions on what to do. They were authorized to enter the apartment with whatever force was necessary to get the door open and to retrieve the dog. The complainant alleged that there was some injury to the door, and was advised to file a claim with the City for the damage.

The central issue in this complaint was that the police entered the complainant's apartment without a warrant and without consent. The response from the

department was a citation of a provision of the Penal Law, § 35.05, which says that conduct by a public servant that would have been otherwise criminal in nature will be excused if it is an emergency action. The OPS made a preliminary finding of “*exonerated.*” Mr. Whiteman commented that the issue in this complaint is whether or not the action was justifiable as an emergency under Penal Law § 35.05 or any other provision of the law.

Mr. Whiteman stated that getting a Rabies shot is not a nice experience and noted that this breed of dog has a reputation. He reported that the owner of the dog received a citation for harboring a vicious dog. He noted that the dog, whether kenneled or not, was in an apartment by itself, and the need to wait for a warrant or the owner may not have been an emergency. He added, however, that the dog did need to be retrieved soon. According to Mr. Whiteman, his reaction was that this was not an emergency and the supervisor may have been guilty of bad judgment, not the officers. The Board may want its own legal research on this issue.

Mr. Weafer inquired as to whether or not Commander Krokoff thought that this was an emergency situation under § 35.05 of the penal law. Commander Krokoff responded that the officers didn’t know if anyone else was in the apartment or not and they wanted to secure the dog because of the seriousness of the injury.

Mr. Weafer inquired as to whether or not Police Chief James Turley would have reacted the same way as the officers. Chief Turley responded that the events show the inability of the owner to control the dog and agreed with the decision of the supervisor.

Mr. Whiteman commented that the dog was kenneled when the officers entered the apartment. He stated that he doesn’t question the good faith of the supervisors, but whether the judgment was a sound one.

Mr. Weafer inquired as to what the normal police action would be in this circumstance. Chief Turley responded that the situation needed to be under immediate control because the dog was vicious, and said that the supervisor made a decision based on the particular circumstances.

Dr. Alguero questioned if the Board should wait on counsel’s opinion. Ms. Hammond stated that she personally knows many times when animals are removed. Commander Krokoff stated that the officers didn’t know the dog was kenneled.

Officer Teller was asked whether, based on his experience, this is how this type of situation is typically handled. Mr. Whiteman summarized the facts for Officer Teller. Officer Teller stated that he has personally done this type of removal at least three times before. He commented that the community’s safety is paramount, and added that it is the officers responsibility to make sure that the dog doesn’t go missing and the department can seize the dog for ten days.

Mr. Whiteman commented that based on Officer Teller's explanation, he is willing to accept the OPS's preliminary finding. Mr. Weafer seconded the motion. The motion carried 8-1, with one member in opposition, Manuel Alguero.

CPRB No. 10-04/OPS C04-250 (Presented by Manuel Alguero)

Dr. Alguero summarized the complaint. He commented that this is a typical case of he said, she said. He reported that the complainant identified the witness, but there was a problem with interviewing the witness. There was no monitor assigned. The incident took place on April 22, 2004. The complainant alleged that an officer displayed unprofessional conduct when he was ticketed. The complainant doesn't admit to violating the law, but does admit to being uncivil in his behavior. The complainant alleged that he was to the side of the officer's car at a red light. When the light changed, the officer turned and crossed paths without signaling and the complainant got agitated. The officer stopped according to the complainant and later the complainant was issued a ticket. The OPS made a preliminary finding of "*exonerated.*" The report stated that if the complainant feels that he doesn't deserve the ticket, he should address that with the traffic court.

The officer stated that he stopped the car because there was a child crossing the street with a basketball. The complainant screeched the brakes when the officer stopped. Dr. Alguero noted that if that is true, then it would appear that the complainant was driving too close to the officer. The complainant called the officer names when he did stop for the child. The OPS's report doesn't discern what version of the incident is correct, the complainant's or the officer's. Dr. Alguero stated that the OPS's recommendation was based on the fact that officers can issue tickets for such situations because the complainant violated the law.

D. Alguero moved to accept the OPS's finding of "*exonerated.*" Judith Mazza seconded the motion. The motion carried unanimously.

CPRB No. 12-04/OPS No. C04-317 (Presented by Marilyn Hammond)

Following modification of the agenda, the Board decided to review this complaint.

Ms. Hammond summarized the complaint. She stated that the complainant alleged that she was involved in a property damage accident where the driver of the other automobile involved left the scene. She wrote down the license plate and provided the information to the responding officer. He told her that he was going to issue the other driver a ticket for leaving the scene of an accident. The complainant obtained a copy of the accident report and she alleges that the officer improperly handled her accident call when he did the following: failed to issue the other driver a ticket for leaving the scene of an accident, cited her for inattentiveness as the cause of the accident when she was hit from behind when stopped at a traffic light,

and failed to ticket the second driver for driving without insurance. Ms. Hammond stated that paperwork was obtained and reviewed and correspondence was received from the officer. The OPS made a preliminary finding of “*exonerated*.”

Ms. Hammond reported the following information from the OPS’s report. As to the allegation that the officer failed to issue the other driver a summons, officers aren’t mandated to issue summons. The officer stated that he arrived on scene and collected the complainant’s information and the other driver’s plate number. He stated that he was going to attempt to contact the other driver and if he was successful, he could issue the driver a summons if the situation warranted it. The second driver tried to exchange his information with the complainant, but the complainant didn’t want to exchange information. As to the allegation that the cause of the accident was listed as the complainant’s inattentiveness, the officer responded to the scene and then went to the home of the second driver. He stated that he concluded that inattentiveness on the part of both drivers was the cause of the accident. As to the allegation that the officer failed to issue a summons to the other driver for driving without insurance, the driver provided the officer with all of the correct paperwork and a check through DMV showed that the vehicle had valid insurance.

Ms. Hammond commented that the other driver, as heard on the audio recording, was trying to provide the complainant with information, but she refused to take it. That is when the other driver left the scene. The officer stated that the complainant was irate and he was going to contact the other driver, which he did. After hearing both parties account, he concluded that both parties were inattentive.

According to Ms. Hammond, she reviewed the DMV report, which showed a valid license plate and insurance. The other driver left the scene after he tried to talk with the complainant because he felt threatened.

The complainant was recognized. She stated that all she wanted to do was to wait for the police. During the conversation, she was not really paying attention to the other driver because she was worried about her two children in the car. She stated that the other man knew the police were coming and she couldn’t believe that the other driver felt threatened by her 4’10’’ stature. She reported that on June 24th, the driver who had hit her assumed complete liability for the accident and his insurance company has subsequently paid her the damages. She stated that the officer failed to use his discretion wisely. The other driver stated that he worked for the Sheriff’s Department, stated that he was a lawyer, and told her that he didn’t need to stay. The complainant commented that she had two very young children in the car who could have easily been hurt in the accident. She noted that the officer did not cite the damages in the report, which amounted to \$969.59. She stated that she read an article in the newspaper that said that the city police department was cracking down on bad drivers. She commented that this was a perfect chance. The driver, who knew that the police were coming, left the scene

of the accident. If he indeed felt concerned for his safety, then the best thing to do would have been to wait for the police to arrive.

Mr. Whiteman inquired as to the officer's basis for concluding liability. Commander Krokoff responded that the second driver alleged the complainant drove in front of him and caused the accident.

Mr. Weafer questioned if the accident occurred on South Allen and New Scotland Avenue. The complainant responded that she was heading past St. Peter's Hospital on New Scotland Avenue and was stopped at a light facing away from Albany Medical Center. She stated that she was unsure where the other driver came from because she was stopped at the light. She added that her insurance company found it unusual that she would be ticketed because she was stopped at a light when the accident occurred.

Ms. Mazza inquired about the insurance. The complainant stated that the second driver did in fact have insurance. Mr. Whiteman requested a physical description of the other driver. The complainant replied that he was approximately 70 years old.

Ms. Gaige asked the Chief or Commander to explain why it would be discretionary to ticket if the driver leaves the scene of an accident. Commander Krokoff stated that the complainant became agitated and the other driver was fearful of the situation. The officer took his age into account. Commander Krokoff stated that the officer contacted the other driver. Mr. Weafer questioned how long the other driver was attempting to exchange information. Ms. Hammond stated that the other driver was trying to exchange information for approximately 3-4 minutes.

Dr. Alguero stated that age is not an excuse to not provide information. The monitor's report, according to Ms. Mazza, stated that the other driver was trying to prevent the complainant from calling the police. Ms. Hammond stated that the complainant didn't sound intimidating on the 911 tape. When the dispatcher called the complainant's cell phone back, the other driver could be heard trying to talk the complainant out of reporting the accident to the police. In response to a question about driving conditions, the complainant commented that she could not remember what the lighting was, but stated that the driving conditions were clear.

Ms. Hammond stated that she had a problem with the OPS's preliminary findings.

Mr. Weafer commented that under the law, the Board has a mediation process and if this was available, it would likely be effective in this situation.

The complainant was again recognized. She stated that the primary reason she filed a complaint was because of the excessive damages to her car. She said a second reason was in response to an article she read about cracking down on bad drivers and the department. She stated that discretion is meaningless if it is

implemented arbitrarily. She stated that the other driver was trying to act against the public good. If the Board wanted to act in the public good, they should say the officer should have issued a ticket. Maybe the officer was at the end of his shift or maybe he didn't issue it because the officer saw the black woman and the older white gentleman and decided that the gentleman was more worthy of discretion. The car was ultimately fixed, but the public good needs to be addressed.

Mr. Whiteman noted that mediation is not an option. He added, however, that one of the options is to call for additional training in this circumstance. According to Mr. Whiteman, additional training might assist the officer in future matters. Dr. Alguero stated that the Board isn't here to judge the conduct of the complainant; the Board's purpose is to determine whether the quality of the investigation merits the finding. Mr. Alguero stated that the Board is to look at the investigation of OPS. Mr. Whiteman stated that OPS has accepted the officer's explanation so either the policy is inadequate or the officers training is inadequate as to the leaving the scene of an accident. The outcome of the officer's conduct is wrong, but must be based on training or policy. He then recommended a finding of ineffective policy or training.

Ms. Hammond stated that she wasn't sure how to handle this under the circumstances, whether it should be policy or training, but agrees with Mr. Whiteman. Mr. Weafer seconded Mr. Whiteman's motion. The motion carried 8 in favor. Barbara Gaige abstained from voting.

Mr. Weafer commented that mediation would be perfect in a case such as this. He noted that the collective bargaining agreement is coming up soon and mediation needs to be addressed

The complainant asked if the law addressed when someone leaves the scene of an accident. She said she would like to see a ticket issued for what happened: that a person left the scene of a crime. Mr. Weafer stated that there is a strong presumption that the driver needs to stay put. Assistant Corporation Counsel Patrick Jordan commented that there are plenty of situations that allow someone to leave, but there is a presumption in the law that the driver should stay at the scene.

CPRB No. 14-04/OPS No. C04-357 (Presented by Barbara Gaige)

Ms. Gaige summarized the complaint. She stated that the complainant alleged that he was stopped, placed on the ground, and searched. He was placed in custody. He claimed he wasn't given an arrest warrant, an apartment was searched, and his personal items were taken. The OPS turned the information over to the Sheriff's department because it was not the Albany Police Department. She then made a motion of "*no finding.*" Dr. Alguero seconded the motion. The motion carried unanimously.

B. Approval of the Second Quarterly Report for 2004

Manuel Alguero moved to approve the Board's report. Vice-Chairman Herman Thomas seconded the motion. The motion carried unanimously.

C. Appointment of two new members to the Committee on Complaint Review for September 2004

The following members were appointed to the Committee on Complaint Review for September 2004: Manuel Alguero, Barbara Gaige, Marilyn Hammond, Herman Thomas, and Eleanor Thompson.

D. Policy Review/Recommendations

Judith Mazza moved to approve the letter to the Mayor and Common Council regarding the need to appoint three members to the Board and the need to change the Board's quorum requirement. The motion was seconded by Chairman Cox.

Chairman Cox stated that it is urgent that the Common Council and the Mayor act immediately. Ms. Mazza said that she is aware that the Common Council is moving forward to seek candidates. Michael Whiteman raised the quorum issue and stated that the affirmative voting requirement may also need to be considered. He proposed that an action be passed by a majority of the Board members present, but not fewer than four members voting similarly.

Paul Weafer noted that under the by-laws, a new chairman needs to be voted on a month before the chairman leaves.

Chairman Cox directed the Center to schedule a meeting of the Mayor, the Common Council, and members of the Board to discuss these issues on Thursday, September 2, 2004.

E. Report of the GLC

Staff Attorney Justina Cintrón Perino gave the report.

It was reported that information regarding the 2004 NACOLE Conference had been forwarded to the Board. It was reported that the conference is being held in Chicago, October 17-20, 2004. Barbara Gaige encouraged members of the OPS and the police union to attend.

Complaint Status

As of the date of the meeting, it was reported that there were 26 active complaints before the Board. Three complaints were in the process of being closed and 133 complaints had been closed. Five complaints remain suspended. To date, 163 complaints have been filed.

Reports

It was reported that the third quarterly report was expected to be completed by the next meeting.

Correspondence

It was reported that two pieces of correspondence received by the Center had been forwarded to the Board. One letter was sent by a gentleman seeking return of his personal property, which he alleges is in the possession of a former girlfriend. The second letter was sent by a former complainant regarding mistreatment during his incarceration.

Judith Mazza asked if the personal property complaint came directly to the Board. Ms. Cintrón Perino responded that it was addressed to the Chairman, but the salutation reads “Dear Officer.” Commander Krokoff requested a copy of both letters and agreed to look into them.

It was reported that the Center had received written resignation letters from Board Members Manuel Alguero and Eleanor Thompson.

Decision to Appoint a Monitor

It was reported that a new complaint had been forwarded to the Board at the start of the meeting. The Board was asked to indicate on the complaint form whether or not a monitor should be assigned.

F. Report of OPS

Commander Steven Krokoff commented that his office had no new information to report.

V. Public Comment

Officer James Teller, President of Council 82, was recognized. Officer Teller commented that neither he nor the officers being complained of received timely notice of the Board’s meeting. He commented about the Board’s body language during complaint review, adding that the Board should be careful of the nonverbal language it is conveying to complainants. He noted that smiling and nodding when complainants speak gives them the impression that the Board is in agreement with what they are saying. Finally, Officer Teller noted that mediation is not part of the collective bargaining agreement. Since it is not contractual, officers will not participate in mediation unless it is addressed when new contracts are discussed in July.

Paul Weafer commented that no member of the Board has ever been notified or invited to any event of officer promotion. Mr. Weafer stated that the Board needs to be invited to these promotional events.

Mr. Whiteman commented that Officer Teller was speaking of notice and the need to have notice of meetings posted in advance.

With respect to body language, Chairman Cox stated that the Board may know some of the complainants. He added that the Board's body language is often active listening. Officer Teller responded that he was just reminding the Board about their body language. Officer Teller stated that when Ms. Gaige left the table to say hello to a complainant, this act may have been inappropriate. Vice-Chairman Thomas commented that officers show body language when they are talking to people. Officer Teller agreed that officers also show body language, but noted that the Board is a public body.

Mr. Whiteman commented that the Board did not recommend mediation; Mr. Weafer stated that the case would be good for mediation. Officer Teller responded to a comment made by Ms. Cintrón Perino during the GLC report, in which it was reported that there was one mediation case pending. Mr. Whiteman added that the Board feels mediation is important and hopes that Officer Teller can understand that the Board still wants to express their feelings that mediation may be appropriate when a case comes up that may warrant mediation. Dr. Alguero questioned mediation and what the union would abide to. Officer Teller stated that for mediation to work, the investigation would have to not take place.

VI. Adjournment

Chairman Cox adjourned the meeting at 7:57 p.m.

Respectfully Submitted,

Michael Whiteman