

City of Albany

Annual Report 2004

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

Fourth Annual Report of the City of Albany
Citizens' Police Review Board

Submitted to:

The Mayor of the City of Albany
The Common Council of the City of Albany
The Police Chief of the City of Albany

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 review 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; and 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 of actual police practices.

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 Fourth Annual Report so submitted, covering the Board's operations from November 1, 2003 to October 31, 2004.

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 fourth year of operation:

Dr. Manuel Alguero Term Expired: 10/26/2004	Reverend Kenneth E. Cox Term Expired: 10/26/2004
Barbara Gaige Term Expires: 10/26/2005	Marilyn Hammond Term Expires: 10/26/2006
Judith Mazza Term Expires: 10/26/2006	Herman Thomas Term Expires: 10/26/2005
Eleanor Thompson Term Expires: 10/26/2005	Paul Weafer, Esq. Term Expires: 10/26/2006
Michael Whiteman, Esq. Term Expires: 10/26/2006	

Reappointments

On November 17, 2003, the Albany Common Council passed Resolution 95.112.03R and Resolution 96.112.03R, reappointing Board Members Judith Mazza and Michael Whiteman to serve on the Board. Both members will serve a second three-year term, which will expire in October of 2006.

On January 8, 2004, City of Albany Mayor Gerald Jennings reappointed Board Members Marilyn Hammond and Paul Weafer to serve on the Board. Both members will serve a second three-year term, which will expire in October of 2006.

In correspondence dated August 5, 2004 to Mayor Jennings, Board Member Manuel Alguero requested that he not be considered for an additional term beyond the expiration of his term on October 26, 2004.

Resignations

In correspondence dated April 15, 2004 to Mayor Jennings and Helen DesFosses, President of the Albany Common Council, Board Chairman Kenneth E. Cox announced his resignation from the Board. Chairman Cox served as a member of the Albany CPRB through October 11, 2004.

In correspondence dated July 27, 2004 to Chairman Kenneth E. Cox, Board Member Eleanor Thompson announced her resignation from the Board. Ms. Thompson served as a member of the Albany CPRB through October 30, 2004.

Appointments

On October 18, 2004, the Albany Common Council appointed Jason Allen and Ronald Flagg as members of the Board. Mr. Allen has been appointed to serve a two-year term, which will expire on October 26, 2006. Mr. Flagg has been appointed to serve a three-year term, which will expire on October 26, 2007.

On October 22, 2004, Mayor Jennings appointed Reverend Beresford Bailey as a member of the Board. Reverend Bailey has been appointed to serve a three-year term, which will expire on October 26, 2007.

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’s Police Academy . . . within six months of the start of the member’s term is required.”

The orientation program for the three new members of the Board was scheduled at the close of the fourth year, and will take place in early November 2004. Additionally, a special session of the Albany Police Department’s Citizen’s Police Academy, comprising four, three-hour sessions,

was scheduled for the Board's newest members by the close of the fourth year. These members will attend the special session as well as selected classes at the regular Academy session in the first and second and third quarters of the Board's fifth year of operation.

Officers

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

Chair	Reverend Kenneth E. Cox
Vice-Chair	Herman Thomas
Secretary	Michael Whiteman, Esq.

At the Board's October 11, 2004 meeting, Vice-Chairman Herman Thomas became the Board's Acting Chairman pursuant to Section 3 of the Board's By-Laws and Rules. Acting Chairman Thomas will serve through the completion of Chairman Cox's term, and until a new Chairman is elected in January 2005 pursuant to Section 1 of the Board's By-Laws and Rules.

Committees

The following Committees were operational and active in the Board's fourth year of operation, with each Board member serving on at least one committee:

Complaint Review	Dr. Manuel Alguero Barbara Gaige Marilyn Hammond Judith Mazza Herman Thomas Eleanor Thompson Paul Weafer, Esq. Michael Whiteman, Esq.
Policy Review/ Recommendations	Barbara Gaige Judith Mazza Paul Weafer, Esq.
Public Education/ Community Outreach	Rev. Kenneth E. Cox Judith Mazza Herman Thomas

COMPLAINT REVIEW

Pursuant to Section II, Subsection I of the Board's Operating Procedures, each of the four (4) appointed members of the Committee on Complaint Review, in addition to the Chair of the Committee, shall be responsible for the presentation of a particular complaint to the Board at its regular, monthly meetings, as assigned by the Chair of the Committee.

Fourteen (14) complaints were presented and reviewed by the Committee in the first quarter; nine (9) complaints were presented and reviewed in the second quarter; five (5) complaints were presented and reviewed in the third quarter; and ten (10) complaints were presented and reviewed in the fourth quarter.

The following Board members were appointed to serve on the Committee in the fourth year of operation:

<i>November 2003</i>	Manuel Alguero, Barbara Gaige, Herman Thomas, Paul Weafer and Michael Whiteman.
<i>December 2003</i>	Manuel Alguero, Barbara Gaige, Marilyn Hammond, Judith Mazza, and Eleanor Thompson.
<i>January 2004</i>	Manuel Alguero, Barbara Gaige, Marilyn Hammond, Judith Mazza, and Eleanor Thompson.
<i>February 2004</i>	Manuel Alguero, Barbara Gaige, Marilyn Hammond, Judith Mazza, and Eleanor Thompson.
<i>March 2004</i>	Manuel Alguero, Barbara Gaige, Marilyn Hammond, Judith Mazza, and Paul Weafer.
<i>April 2004</i>	Manuel Alguero, Barbara Gaige, Marilyn Hammond, Judith Mazza, and Paul Weafer.
<i>May 2004</i>	Manuel Alguero, Barbara Gaige, Marilyn Hammond, Paul Weafer, and Michael Whiteman.
<i>June 2004</i>	Manuel Alguero, Barbara Gaige, Eleanor Thompson, Paul Weafer, and Michael Whiteman.
<i>July 2004</i>	Manuel Alguero, Barbara Gaige, Eleanor Thompson, Paul Weafer, and Michael Whiteman.
<i>August 2004</i>	Manuel Alguero, Barbara Gaige, Marilyn Hammond, Eleanor Thompson, Paul Weafer, and Michael Whiteman.
<i>September 2004</i>	Manuel Alguero, Barbara Gaige, Marilyn Hammond, Herman Thomas, and Eleanor Thompson.
<i>October 2004</i>	Barbara Gaige, Judith Mazza, Marilyn Hammond, Herman Thomas, and Paul Weafer.

COMPLAINT REVIEW: SUMMARIES AND STATISTICS

Number of Complaints Filed

During its fourth year of operation (November 1, 2003 to October 31, 2004), the Board received a total of thirty-one (31) complaints. (See Figure 1). Three (3) of the thirty-one (31) complaints filed in the fourth year were filed by related parties and alleged the same misconduct.

Except for the months of November 2003, and January, April, and September 2004, the Board received an average of two (2) complaints per month from November 2003 to October 2004. 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).

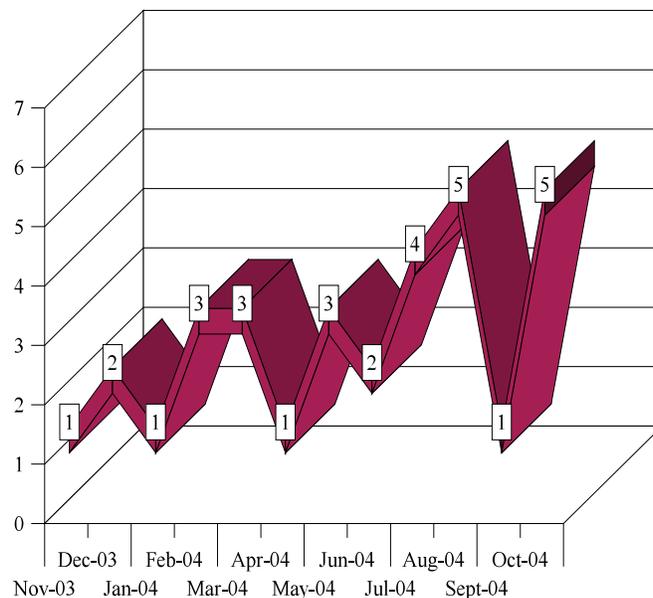


Figure 1: Monthly Breakdown of Complaints Filed November 1, 2003 to October 31, 2004 - Total 31

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 thirty-one (31) complaints filed in the fourth year, the Board appointed a monitor to observe the OPS's investigation of twenty-two (22) complaints.

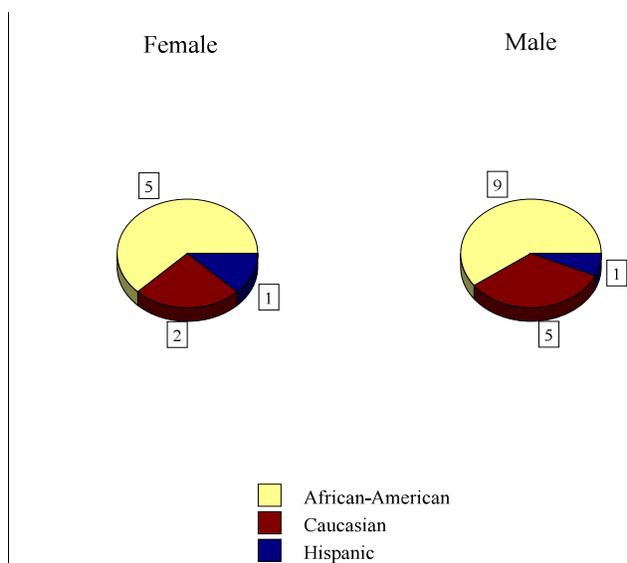


Figure 3: Race/Ethnicity and Gender of the Complainant

Race/Ethnicity and Gender of the Complainant and the Officer(s)

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 thirty-one (31) complaints filed with the Board in the fourth year, twenty-three (23) contained information from the complainant regarding the complainant's race/ethnicity and gender. Those twenty-three (23) complaints were comprised of: five (5) African-American females; nine (9) African-American males; two (2)

Caucasian females; five (5) Caucasian males; one (1) Hispanic female and one (1) Hispanic male. (See Figure 2).

One (1) complainant indicated his gender (male) on the complaint form, but did not provide any information about his race/ethnicity. Three (3) complainants filed complaints using an old complaint form, which does allow for the complainant to indicate race/ethnicity and gender information. However, the gender of these three (3) complainants, two (2) females and one (1) male, was determined from the complainant's name or was indicated 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. Four (4) complainants chose not to submit this information. However, the gender of these four (4) complainants, four (4) males, was determined from the complainant's name or was indicated 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.

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 officer who is, or 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 officer(s), if known. Thirty-six (36)¹ police officer descriptions, including race/ethnicity and gender, were included within the thirty-one (31) complaints filed with the Board in the fourth year. Thirty-one (31) police officer descriptions, however, were redacted by the Office of Professional Standards. Of the thirty-one (31) police officer descriptions that were redacted, the gender of twenty (20) officers, all male, was determined from the language contained in the complaint. Five (5) descriptions identified the police officers as Caucasian males. Descriptions for twenty-two (22) police officers were either not included or the information was unknown. However, the gender of three (3) of these officers, all male, was determined from the language contained in the complaint.

Allegations Contained in the Complaints

In the fourth year of operation, eleven (11) of the thirty-one (31) complaints filed with the Board contained a single allegation of misconduct against an officer or officers of the Albany Police Department. Twenty (20) complaints contained multiple allegations, with a majority of these complaints averaging two misconduct allegations. Figure 3 illustrates the allegations made in the thirty-one (31) complaints filed with the Board. Given that slightly less than two thirds (2/3) 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.

Sixty-five (65) allegations were made in the thirty-one (31) complaints filed with the Board in the fourth year. Of the sixty-five (65) allegations, the Board identified twenty (20) categories of allegations. Five (5) subcategories of allegations were also identified, one of which fell under the category of unprofessional conduct, and four 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.

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 not known whether these thirty-six (36) police officer descriptions are of 36 different officers or are of a number of the same officers.

More than one-third, twenty-three percent (23%), of the allegations identified in the complaints filed with the Board were classified as searches and seizures. Searches were characterized as either illegal, improper, unlawful, or wrongful, and included pat down searches of the complainant’s person, searches of the complainant’s personal property, searches of private residences, and vehicle searches. Seizures included seizures of personal property, money, narcotics, and controlled substances.

Figure 3: Allegations Contained in Complaints Filed - Total 65

Abuse of Authority	2
Failure to Report Accident to Agency with Jurisdiction	1
False/Illegal/Improper/Unlawful/Wrongful Arrest	7
Forced Entry	1
Harassment	1
Illegal/Improper Seizure	4
Illegal/Improper Ticketing	3
Illegal/Improper/Unlawful Stop	6
Illegal/Improper/Unlawful/Wrongful Search	11
Improper Detention	2
Improper Disclosure of Informant Identity	1
Improper Entry into Private Residence	1
Improper Questioning	1
Improper Vehicle Tow	1
Improper Accusal of Placing 911 Call	1
Neglect of Official Duties	5
Personal Property Stolen	1
Unprofessional Conduct	3
Derogatory/Inappropriate/Profane/Offensive/Racially-Biased Language	4
Use of Force	2
Deadly Use of Force Against Department Policy/Procedures	1
Excessive Use of Force	3
Improper Use of Force	1
Unnecessary Use of Force	1
Vehicle Pursuit Contrary to Department Policy/Procedures	1

Similarly, more than one-third, twenty-three percent (23%), of the allegations made were classified as illegal, improper, or unlawful stops; improper detentions; or arrests. Stops included pedestrian stops as well as traffic stops. Allegations of improper detention included forced submission to a field sobriety test under threat of arrest and detention during a traffic stop while a passenger, who had an outstanding warrant for his arrest, was released with only an appearance ticket. Arrests were identified as either false, illegal, improper, unlawful, or wrongful.

One-third (1/3) of the misconduct alleged was classified as unprofessional conduct, abuse of authority, and neglect of official duties. Unprofessional conduct included the use of inappropriate, derogatory, profane, offensive, or racially-biased language; and aggressive, condescending, intimidating, and threatening behavior. Allegations of abuse of authority involved circumstances in which the complainant was threatened with arrest, while allegations of neglect of official duties involved circumstances in which the officer or officers failed to ticket a driver involved in an auto accident; failed to take an accident report; refused to amend an accident report; ignored a criminal complaint; refused to accept a citizen complaint; failed to take a statement; and refused to file an assault complaint.

Use of force accounted for twelve percent (12%) of the allegations. Of the force allegations, one-half (1/2) were identified as excessive force, which included a use of deadly force allegation. The remaining force allegations were classified as either improper, unnecessary, or force, generally.

Many of the remaining allegations, while they could have fallen under broader categories, were reported as allegations of a specific type of conduct or behavior, which, more often than not, was narrowly tailored to the complaint in which it was contained. Therefore, several of the allegations identified were made by only one complainant in a single complaint.

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). On February 26, 2004, the Board received correspondence from Mayor Jennings suspending its review of the complaint filed in response to the December 31, 2003 shooting of a bystander.

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).

2002-2003

At the conclusion of the Board’s third year of operation, findings had not yet been made with respect to thirty-three (33) complaints. Of these thirty-three (33) complaints, nine (9) complaints were filed in the Board’s second year of operation (November 1, 2001 - October 31, 2002), and twenty-four (24) complaints were filed in the Board’s third year of operation

(November 1, 2002 - October 31, 2003). These complaints were not reported in the Board's Second and Third Annual Reports and were, therefore, carried forward into the fourth year.

In the fourth year, the Board reviewed twenty-four (24) complaints from the second and third years of operation, and rendered findings for the allegations contained in five (5) of the nine (9) complaints carried forward from the second year and twenty-three (23) of the twenty-four (24) complaints carried forward from the third year. Since more than two-thirds (2/3) of these complaints contained multiple allegations of misconduct, the number of findings made is not equal to the number of complaints in which findings were rendered.

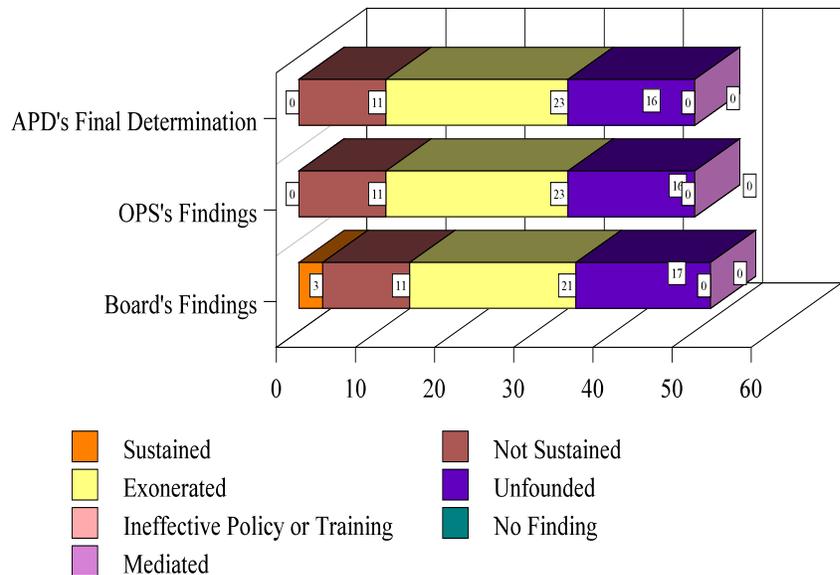
Figure 4 illustrates a comparison of the findings made by the Board and the findings made by the Police Department, including the preliminary findings of the Office of Professional Standards and the Albany Police Department's final determinations.

As to those complaints carried forward from the second and third years and reviewed in the fourth year, the Board made findings consistent with the findings of the Office of Professional Standards in all, but four (4) cases. All four (4) inconsistent findings were made with respect to the allegations contained in three (3) complaints filed in the third year.

As to the first complaint, the complainant alleged an Albany police officer acted unprofessionally during a verbal exchange. The Office of Professional Standards, in its preliminary report to the Board, recommended that the complaint be referred to mediation. When mediation did not occur, the complaint was returned to the Board for review. Following review and deliberation, the Board rendered a finding of *sustained*. Subsequent to the Board's finding, the OPS reopened its investigation of the complaint and rendered a preliminary finding of *not sustained*. The Board, thereafter, reviewed the follow-up investigation and adopted the OPS's preliminary finding of *not sustained*.

As to the second complaint, the complainant alleged an Albany police officer: 1) used excessive and unwarranted force on him, and 2) used threatening, personally offensive, and obscene language toward him. The Office of Professional Standards, in its preliminary report to the Board, rendered a preliminary finding of *exonerated* as to the complainant's allegation of excessive and unwarranted use of force and *not sustained* as to the complainant's allegation of threatening, offensive, and obscene language. Following its review and deliberation of this complaint, the Board adopted the OPS's preliminary finding of *not sustained* as to the threatening, offensive, obscene language allegation, but rendered a finding of *unfounded* as to the allegation of excessive and unwarranted use of force.

Figure 4: Comparison of Findings Made by the Board and the Police Department (2002-2003)



As to the third complaint, the complainant alleged: 1) her vehicle was improperly stopped; 2) she was subjected to an improper pat-down search; and 3) an officer used force on her during the search, by twisting and causing injury to her right shoulder. The Office of Professional Standards, in its preliminary report to the Board, recommended a preliminary finding of *exonerated* as to the complainant’s allegations of improper stop and improper search, and *not sustained* as to the complainant’s use of force allegation. Following its review and deliberation of this complaint, the Board adopted the OPS’s preliminary finding of *not sustained* as to the complainant’s use of force allegation, but rendered a finding of *sustained* as to the improper stop and improper search allegations.

2003-2004

In the Board’s fourth year of operation, the Board reviewed fourteen (14) of its thirty-one (31) filed complaints, and rendered findings for the allegations contained in fourteen (14) complaints. Given that slightly less than three-quarters (3/4) of these complaints contained multiple allegations of misconduct, the number of findings made is not equal to the number of complaints in which findings were rendered.

Figure 5 depicts a 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.

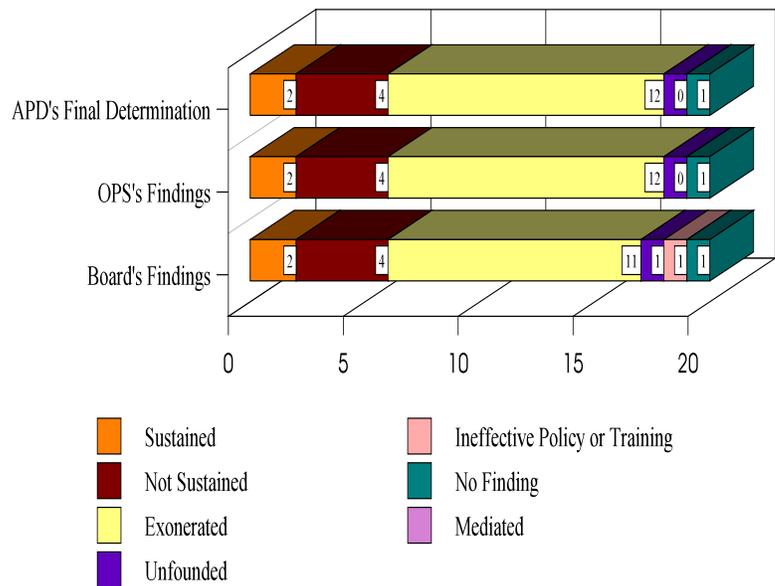


Figure 5: Comparison of Findings Made by the Board, the OPS, and the Police Department (2003-2004)

In its fourth year of operation, the Board made findings consistent with the preliminary findings of the Office of Professional Standards in all, but one (1) case. The Board’s only inconsistent finding was made with respect to the allegations contained in one complaint.

In that case, the Office of Professional Standards recommended a preliminary finding of *exonerated* as to the complainant’s allegations of improper ticketing and neglect of official duties - an Albany police officer failed to ticket the driver with whom the complainant had a car accident. Following its review and deliberation of this complaint, the Board did not adopt the OPS’s preliminary finding, but rather rendered its own finding of *ineffective policy or training* as to the allegations contained in the complaint.

Further Investigation

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 the fourth year, the Board returned one (1) complaint to the Office of Professional Standards for further investigation. The complaint involved: 1) an allegation of false arrest - the complainant's arrest was based upon a false complaint filed by another individual; and 2) an allegation of illegal search - the residence of the complainant's girlfriend was searched without lawful consent; the signature on the search by consent waiver form was forged. Further investigation of this complaint included: 1) whether or not the complainant was anywhere to be found; 2) whether or not the complainant could be interviewed; 3) whether or not the complainant pled to the charge and served time; and 4) what prompted the individual to file a complaint against the complainant.

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.

In the fourth year, the Board referred one (1) complaint to mediation pursuant to its authority under § 42-343(F)(4). The Board also coordinated a one-hour informal mediation pursuant to § 42-346(C). The informal mediation was attend by former Commissioner of Public Safety John Nielsen, OPS Detective Kathy Hendrick, the complainant, her minor son, her minor nephew, and two members of the Government Law Center staff. The mediation provided the complainant with an opportunity to discuss the concerns contained in her complaint, including her ongoing concern that a member of the Albany Police Department has been harassing her son.

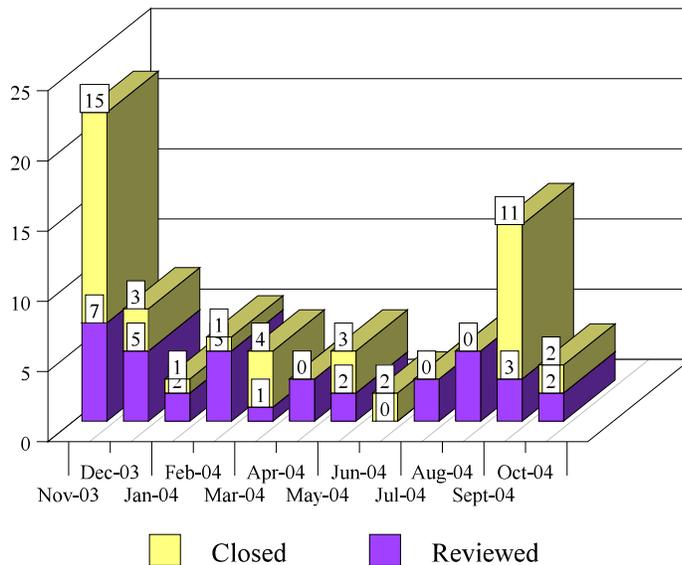
Other Board Action

Complaints Tabled Pending Further Communication/Assistance from the Office of the Corporation Counsel

In its fourth year of operation, the Board tabled two (2) complaints pending further communication and/or assistance from the Office of the Corporation Counsel. The first complaint, filed in the Board's second year, involved three allegations of misconduct: 1) excessive use of force, 2) neglect of official duties, and 3) abuse of authority. In the third year, the Board reviewed the complaint and rendered a finding of *sustained* as to the neglect of official duties and abuse of authority allegations, but referred the allegation regarding the excessive use of force to mediation. When mediation did not occur, the complaint was returned to the Board for review of the excessive force allegation. At the Board's December 8, 2003 meeting, it was reported that the complainant had filed a notice of claim against the City. The Board subsequently tabled review and rendering its finding for this allegation pending further communication from the Corporation Counsel's Office as to whether or not a determination had been made, or would be made, to suspend the Board's review of the complaint.

The second complaint, filed in the third year, involved two allegations of misconduct: 1) failure to Mirandize, and 2) denial of right to have counsel present during questioning. In the fourth year, the Board reviewed the allegations contained in this complaint at two monthly meetings. Following its first review on November 10, 2003, the Board tabled further review of the complaint pending communication from the Corporation Counsel's Office as to whether the Board should address complaints that contain allegations which could have and/or should have been

addressed by the judiciary in the course of a legal proceeding. Following a second review on December 8, 2003, the Board voted unanimously to table review and rendering findings for the allegations contained in this complaint pending the development of criteria to handle these types of complaints.



Complaints Reviewed and Closed

At the conclusion of its fourth year in October 2004, the Board had reviewed thirty-eight (38) complaints and had closed a total of forty-two (42). Figure 6 illustrates a monthly comparison of the number of complaints reviewed and closed by the Board between November 1, 2003 and October 31, 2004.

In the fourth year, the Board closed one (1) complaint through means other than formal complaint review. In this case, the Board voted unanimously not to accept and review this complaint pursuant to its authority under § 42-342(C) of the legislation. In addition, the Board closed

Figure 6: Monthly Comparison of Complaints Reviewed and Closed

four (4) complaints that had been referred to mediation in the second year, but were returned to the complaint review process when mediation did not occur, either because the complainant and/or the officer(s) no longer wished to participate or did not respond to attempts to coordinate and facilitate the mediation.

At the conclusion of the fourth year of operation, the Board had not yet made findings with respect to twenty-two (22) complaints, twenty (20) of which are open and active complaints, two (2) of which are complaints that have been suspended from the Board's review. Of these twenty-two (22) complaints, four (4) complaints are carry overs from the second year; one (1) complaint is a carry over from the third year; and seventeen (17) complaints will be carried forward from the fourth year. These complaints are not reported in the Board's Fourth Annual Report and, therefore, will be carried forward into the fifth year.

POLICY REVIEW/RECOMMENDATIONS

On January 10, 2004, the Policy Review/Recommendations Committee held its first meeting. At that meeting, the Committee compiled a list of requests to be forwarded to the Government Law Center and to the Albany Police Department. The list included: 1) a request for a written response to all of the Board's outstanding policy requests and recommendations; 2) a request for data/information as to the total number of police officers involved in all complaints filed with the Board since its establishment and the discipline imposed; 3) a request for information regarding the police department's "hot pursuit" and use of force policies; and 4) a request for data as to the number of "hot pursuits" and the number of incidents in which an officer fired a gun.

In addition, the Policy Review/Recommendations Committee requested that the Government Law Center assemble a list of all outstanding policy requests and recommendations so

that the Committee could conduct appropriate follow-up on these items. The list of outstanding requests and recommendations included: 1) a recommendation for the adoption and implementation of a bias-based policing policy; 2) a recommendation for the implementation of policy and training regarding police officer contact with complainants who have filed lawsuits or claims against a police officer or the City; 3) the adoption and implementation of a policy aimed at eliminating police action in retrieving personal property involved landlord-tenant dispute; 4) a recommendation for the implementation of a firm strip search policy; 5) notification of the adoption and implementation of a policy to cover the securing and moving of personal property in and out of the department's booking room; 6) a recommendation that a non-confidential copy of the department's Standard Operating Procedures (SOP) be made accessible to the public; 7) notification of the department's procedures concerning pat down searches; 8) a request for an update regarding the December 24, 2002 officer-involved shooting, including an update as to whether the department had complied with the decedent's mother's Freedom of Information Law (FOIL) request; 9) a recommendation for the review of department policy concerning the handcuffing of a minor during the execution of a search warrant; 10) a request for an update as to the status of a meeting between the Commissioner and Complainant 3-02/C02-01; *and* 11) a recommendation for counseling and training of the police officer identified in Complaint No. 14-03/C03-216.

At its February 9, 2004 meeting, the Board received written responses from the Albany Police Department to each item contained in the list of requests prepared by the Board's Policy Review/Recommendations Committee and presented by Chairman Cox at the Board's January 12, 2004 meeting, and the list of outstanding policy requests and recommendations forwarded to the Department on January 20, 2004.

Recommendation for Counseling and Training

At the Board's November 10, 2003 meeting, the Board recommended counseling and additional training for the officer identified in Complaint 14-03/C03-216. In its review of this complaint involving a traffic accident, the Board expressed its concerns about the officer's decision not to request back-up at the scene. These concerns were the result of several factors raised during the course of reviewing the complaint, including the fact that: the investigating officer was the only officer at the scene of the accident; there was an allegation by the complainant that the other driver involved in the accident was intoxicated, yet the officer did not conduct a Breathalyzer or sobriety test on that individual; two additional cars (not involved in the accident) stopped to inquire about the situation; one of the complainant's passengers was visibly intoxicated; and the officer's radio was not in proper working order. Although the Board agreed with the findings of the Office of Professional Standards, the Board was concerned that this could have potentially become a hostile and dangerous situation for the officer and those persons at the scene. The Board's recommendation was forwarded to Commissioner Nielsen in writing on December 18, 2003.

In a February 9, 2004 memorandum from the Corporation Counsel's Office, which was part of the written responses received by the Board at its February 9, 2004 regular, monthly, the Board was notified that the Department had received the Board's recommendation and was taking it under advisement.

Recommendation for Additional Training

In correspondence to Police Chief James E. Turley, the Board recommended that the officer identified in CPRB No. 12-04/OPS No. C04-317 receive additional training. The Board's recommendation was made following its review of the complaint at its August 23, 2004 meeting.

The Board in its discussion and subsequent findings, disagreed with the Office of Professional Standards' preliminary finding of "Exonerated," and made a finding of "Ineffective Policy or Training" as to the complainant's allegations that an Albany police officer failed to ticket the driver of the vehicle with whom the complainant had an accident although the driver left the scene of the accident, and improperly issued the complainant a ticket for inattentiveness although she was hit from behind while stopped at a red light.

At the meeting, the Board expressed its concerns about the officer's decision not to ticket the driver for leaving the scene of the accident. The Board discussed the several factors in making its finding, including the fact that: there is a presumption in the law that a driver involved in an accident should stay at the scene until the police arrive; and, according to the monitor's report, the other driver was heard by the dispatcher trying to talk the complainant out of reporting the accident. Upon consideration of these factors, the Board believed that the other driver should have remained at the accident scene until the police arrived, and that the decision not to ticket the driver was improper; the result of either inadequate policy or inadequate training.

In a letter dated October 27, 2004, Police Chief James Turley notified Acting Chairman Thomas that he would discuss the Board's recommendation with his command staff to review training methods for all officers of the Albany Police Department.

Recommendation for Training and Strengthening of the APD's Policies and Practices in an Effort to Improve Community-Police Relations

In response to the Board's growing concern about the number of complaints filed with the Board alleging unprofessional behavior and discourteous conduct, including, but not limited to: rudeness; incivility; use of profane, offensive, derogatory language; failure to provide name and badge number; and failure to explain stops, detentions, and citations, correspondence to Commissioner Nielsen was drafted, and approved at the Board's January 12, 2004 meeting, requesting a meeting with the Commissioner to discuss ways to improve police-community relations through training and the strengthening of department policies and practices.

In a letter, dated March 10, 2004, to the Board from the Corporation Counsel's Office with an appended memorandum from the Albany Police Department in response to the Board's letter of February 9, 2004, the Department explained, in detail, its annual in-service training program for all officers, which includes components in interpersonal communications; police ethics; police-citizen encounters; community-oriented problem solving; and mutual respect (diversity), and provided the Board with copies of the Department's training materials. The Department noted its continued commitment to emphasizing the importance of effective and courteous police-citizen communications and interactions through in-service and other types of training provided to its officers on an annual basis.

Review of the Albany Police Department's Pursuit and Use of Force Policies

In response to the events of December 31, 2003, Chairman Cox drafted and forwarded correspondence to Mayor Jennings on January 15, 2004, reporting the Board's plans to undertake a review of the Albany Police Department's policies and procedures with respect to pursuits and the use of force, including deadly force. At the conclusion of its review, the Board plans to forward a full report of its findings to the Commissioner of Public Safety, the Mayor, and the Common Council.

Recommendation for the Adoption and Implementation of a Bias-Based Policing Policy

On March 30, 2004, members of the Board's Policy Review/Recommendations Committee met with Commissioner Nielsen and members of the Albany Police Department Command Staff to discuss the Department's policy against bias-based policing. At the meeting, the Board provided the Department with recommendations for changes that would strengthen the policy. In a letter to the Board dated April 1, 2004, the Department reported that it had considered the Board's input and advice, and had decided to implement a series of changes to the policy, which included adding a separate section under "Officer Responsibility and Authority," immediately following the Department's "Code of Ethics," further emphasizing the Department's prohibition against bias-based policing.

Non-Confidential Copy of the SOP

In March of 2004, the Board received a non-confidential copy of the SOP. The public copy of the SOP has been placed in the Government Law Center of Albany Law School, and is available to the public for viewing by appointment.

Proposed Changes to the CPRB Legislation

On March 29, 2004, members of the Policy Review/Recommendations Committee met to discuss proposed changes to the legislation creating the Board. A list of proposed changes was drafted and forwarded to the Board for its review.

PUBLIC EDUCATION/COMMUNITY OUTREACH

On April 1, 2004, members of the Board met with Dr. Alice Green, Executive Director of the Center for Law and Justice, to discuss her letter to the Board of April 6, 2004, in which she inquired about: 1) the status of her complaint filed in January 2004 regarding the police shooting death of David Scaringe; 2) the availability of minutes from the Board's February 3rd public hearing and whether or not the Board will draw conclusions and/or make recommendations based upon the information presented by the public at that hearing; 3) the availability of Department policies and procedures received by the Board at its February 9th meeting, how the Board intends to use the information received, and why some of the policies were reportedly marked confidential; 4) whether or not the Board will seek changes to the legislation that created it and, if so, what will those changes be; and 5) whether or not the Board believes it should play a role in all cases that involve police use of deadly force and, if so, what that role should be.

On April 22, 2004, members of the Board participated in an outreach session at the State University of New York at Albany, School of Criminal Justice. The session was facilitated by James Fyfe, a retired New York City police officer, who conducted a longitudinal study of more

than 1,000 New York City police officers who were dismissed or forced to resign from the force during the 22 years from 1975 through 1996. These officers were compared to a stratified random sample of their colleagues in order to determine whether or not they differed on a variety of individual, organizational, and/or community characteristics.

The Public Education/Community Outreach Committee was active throughout the Board's fourth year of operation. The Committee regularly distributed Citizen Complaint Forms and Board brochures to the public, community groups and organizations, and other interested parties who sought copies of these forms and materials; responded to questions and inquiries from complainants, members of the community, the media, the City, and the Police Department about the Board and the process of complaint review in Albany; updated the Board's website, to include new meeting schedules, meeting minutes, reports, news, and events; and expanded its mailing list.

REPORTS

Board Reports

In its fourth year of operation, four (4) quarterly reports and the Third Annual Report were submitted to the Board for adoption. Each report detailed the activities of the Board and the Government Law Center during each time period covered. The First, Second, and Third Quarterly Reports and the Third Annual Report were adopted by the Board before the close of the fourth 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 legislation. Additional copies were forwarded to members of the public, community groups and organizations, and other interested parties on the Board's mailing list.

Other Reports

In the fourth year, the Board received the Office of Professional Standards' 2004 First and Second Quarter Reports. In addition, Melanie Trimble, Executive Director of the Capital Region Chapter of the New York Civil Liberties Union (NYCLU), provided the Board with a copy of the NYCLU's First Year Assessment.

TRAINING

Section 42-339 of the legislation creating the Board requires that "the Government Law Center . . . provide, to [Board] members, and the members shall undergo continuing education on issues related to the interaction between civilians and police officers . . ."

On November 24, 2003, members of the Board attended and participated in a two-hour training session at Albany Law School. The session, entitled "Best Practices in Citizen Oversight and Mediation," included a discussion of the following topics: the definition of mediation; the benefits of mediation; the challenges to mediation; strategies to deal with the challenges to mediation; and the selection of cases for mediation. Mediation models employed by the Independent Police Review Division (Portland, Oregon); the Office of Citizen Complaint Review (Washington, D.C.); and the Civilian Complaint Review Board (New York, New York) were presented and discussed in comparison to the Albany model of mediation. The session was coordinated and facilitated by the staff of the Government Law Center.

On January 27, 2004, members of the Board attended and participated in a two-hour training session at Albany Law School. The session was devoted to a review of the Albany Police Department's use of force and pursuit policies as published in the Department's Standard Operating Procedures (SOP). The session was coordinated and facilitated by the staff of the Government Law Center.

On March 20, 2004, members of the Board attended and participated in a two-hour training session at Albany Law School. The training, conducted by Commander Paula Breen, served as a follow-up to the Board's January 27, 2004 training session. Commander Breen provided the Board with information as to Albany Police Department's policies, practices, and procedures relating to the use of force, including deadly force, and pursuits.

Acting Chairman Herman Thomas and Board Members, Barbara Gaige, Marilyn Hammond, and Judith Mazza attended the Annual Conference of the National Association of Civilian Oversight of Law Enforcement (NACOLE) held in Chicago, Illinois October 17-20. The Conference, entitled "Civilian Oversight of Policing: Respect & Serve," featured workshops on: officer-involved shootings; search and seizure, police spying, and intelligence gathering; use of force policies in critical incidents; investigative practices; wrongful convictions; claims of false arrest and harassment; dealing with the cold case; federal intervention; crowd control; police ethics; politics of unions and communities; support and development for successful oversight; and civilian oversight as a risk management tool. Vice-Chairman Thomas and Board Members Gaige and Mazza will receive certificates for attending and completing five of seven sessions of the Investigative Best Practices training track.

MEETINGS OF THE BOARD

Except for one month in the third quarter, the Board met as a whole on a monthly basis for the conduct of business in the fourth year. There was a public comment period held at each of the monthly meetings, and the meetings were devoted primarily to the review of complaints and a discussion of committee activities.

In the first quarter, meetings were held on November 10, 2003, December 8, 2003, and January 12, 2004. The November meeting was held at the Albany Community Development Agency, 200 Henry Johnson Boulevard, and the December and January meetings were held at the Albany Public Library, 161 Washington Avenue. In addition to the Board's regular, monthly meetings, the following meetings were held during the first quarter:

- On February 3, 2004, the Board held a special public hearing at Albany Law School. The two-hour meeting provided a forum for members of the community to voice their questions and concerns about the Police Department's practices, policies, and procedures relating to vehicle pursuits and the use of force.
- On February 9, 2004, Chairman Cox and Vice-Chairman Herman Thomas met with Albany Police Chief Robert Wolfgang to discuss the status of a number of requests prepared by the Board at its first Policy Review/Recommendations Committee Meeting, and forwarded to the Albany Police Department and to the Government Law Center at the Board's January 12, 2004 meeting.
- On February 19, 2004, the Commissioner of Public Safety, John Nielsen and Detective Kathleen Hendrick of the Office of Professional Standards (OPS) met

with Complainant 3-02/C02-01, her minor son, and her minor nephew for an “informal mediation.” The one-hour meeting provided a forum for the Complainant to discuss the concerns contained in her complaint with the Commissioner. The meeting was scheduled at the request of the Commissioner in response to the Board’s letter of January 27, 2004, and based upon previous communications with the Commissioner and the Complainant.

In the second quarter, regular, monthly meetings were held on February 9, 2004, March 8, 2004, and April 12, 2004. All three meetings were held in the HBH Room of the main branch of the Albany Public Library. In addition to its regular, monthly meetings, Vice-Chairman Herman Thomas and Board Members Paul Weafer and Barbara Gaige met with the Mayor and Deputy Mayor on May 24, 2004 to discuss the Board’s recommendations and proposals for changes to the CPRB legislation.

The Board met twice for the conduct of business during the third quarter. Meetings were held on May 24, 2004 and July 26, 2004. Both meetings were held in the Dean Alexander Moot Courtroom (Room 421) at Albany Law School, 80 New Scotland Avenue.

In the fourth quarter, the Board met as a whole three times for the conduct of business during the fourth quarter. Meetings were held on August 23, 2004, September 13, 2004, and October 11, 2004. All three meetings were held at the Albany Public Library in the Large Auditorium (formerly the HBH Room). In addition to these three meetings, Vice-Chairman Herman Thomas and Board Members Barbara Gaige and Marilyn Hammond met with the Mayor, the Deputy Mayor, and the President of the Common Council on September 8, 2004, to discuss the appointment of three new members to serve on the Board, following the resignations of Chairman Kenneth Cox and Board Member Eleanor Thompson, and the vacancy left by Dr. Manuel Alguero. Also discussed was the proposed amendment to the quorum provision (§ 42-337) of the Board legislation, reducing the quorum requirement from seven (7) members to five (5) members.

GOVERNMENT LAW CENTER

Pursuant to the enactment of the legislation creating the Board in July 2000, the Government Law Center was retained by the City of Albany to provide a number of support services to the Albany Citizens’ Police Review Board. Two attorneys, two support staff, and two law students worked collaboratively during this year to prepare, submit, and file the Board’s quarterly and annual reports; organize and facilitate the Board’s ongoing training program, coordinate the Board’s public education/community outreach campaign and initiatives; provide staff support in preparation of, during, and following each of the Board’s monthly meetings; handle all administrative matters relating to the complaint review process and assist the Board in its day-to-day operations. These services are discussed in detail below.

First Quarter

During the first quarter of 2004, the Government Law Center engaged in the following activities as directed by the local law and pursuant to its contractual obligations with the City of Albany:

- Drafted, and forwarded to the Board for its approval, the Board’s Fourth Quarterly Report for 2003.

- At the direction of the Chair of the Committee on Complaint Review, drafted correspondence to Commissioner Nielsen regarding the status of a meeting with Complainant 3-02/C02-01.
- Drafted correspondence, for Board approval, to Commissioner Nielsen recommending that the officer identified in Complaint 14-03/C03-216 be counseled and trained as to how to better handle situations such as the one presented in the complaint.
- Drafted correspondence, for Board approval, to Commissioner Nielsen requesting a meeting to discuss ways to improve police-community relations through training and the strengthening of department policies and practices.
- Drafted and forwarded correspondence to Assistant Corporation Counsel Todd Burnham, requesting an opinion as to how the Government Law Center should handle requests for access to Board meeting minutes, including: 1) whether it is acceptable to forward copies of the Board's meeting minutes to individuals who have made a verbal request; 2) whether the Center should be directing individuals to submit a written Freedom of Information Law (FOIL) request for meeting minutes to the Albany City Clerk; and 3) whether it is appropriate for the Center to post the Board's approved meeting minutes to the Board's Website where they would be accessible to the public.
- Drafted and forwarded correspondence, on the Board's behalf, to Assistant Corporation Counsel Burnham requesting that he consult with Corporation Counsel regarding Complaint 22-03/C03-355 and whether or not the Board should address complaints that contain allegations that could have and/or should have been addressed by the judiciary in the course of a legal proceeding.
- Drafted correspondence, for Board approval, to Assistant Corporation Counsel Burnham regarding the status of the four (4) complaints suspended from the Board's review in 2001 and 2002.
- Forwarded correspondence, approved by the Board, to Commissioner Nielsen following up on Board Resolution No. 1 of 2001 and the Board's recommendation for the adoption and implementation of a bias-based policing policy by the Albany Police Department.
- Forwarded, to members of the Board, written opinion letters from Assistant Corporation Counsel Burnham addressing the process for appealing a Board finding or findings; whether or not a Board member is permitted to hold a county or city office while also serving as a member of the Board; and how the Government Law Center should handle requests for access to Board meeting minutes.
- Responded to, and complied with, a request under the Freedom of Information Law (FOIL) made by a complainant seeking access to the Board's March 11, 2002 meeting minutes. A duplicate copy of the audiotape and written minutes summary were prepared at no cost to the complainant and sent to the Corporation Counsel's Office for forwarding to the Albany City Clerk's Office.

- At the request of the Policy Review/Recommendations Committee, prepared a typewritten copy of the list of requests compiled at the Committee's first meeting for forwarding to the Albany Police Department and the Government Law Center.
- At the request of the Policy Review/Recommendations Committee, assembled and drafted a list of all outstanding policy requests and recommendations made by the Board since its inception, and the status of those requests and recommendations.
- Conducted an audit of all complaints filed with the Board that were active and pending, suspended from review, or referred to mediation. An audit report was prepared and forwarded to each member of the Board as well as to the Office of Professional Standards.
- Updated the Board's Website to reflect the Board's winter/spring calendar of meetings, quarterly report, and most recent news articles.
- Notified the Board that Staff Attorney Renee Hebert would be providing staff support services to the Board while Staff Attorney Justina Cintrón Perino is on maternity leave.
- Notified the Board that Staff Attorney and Board Mediation Coordinator Karleen Karlson had ended her employment with the Center, but would remain a consultant for Board Mediation Services on an as needed basis.

Second Quarter

The Government Law Center engaged in the following activities in the second quarter of 2004:

- Drafted, and forwarded to the Board for its approval, the Board's First Quarterly Report for 2004 and Third Annual Report.
- At the request of members of the Board's Policy Review/Recommendations Committee, met with the committee and forwarded a list of possible reforms to the Board for its review.
- At the request of a member of the Board, prepared three (3) memoranda regarding the annual statistics for the CPRB from 2001, 2002, and 2003, statistics for the Albany Police Department as reported to the Board for 2001, 2002, and 2003, and an outline of all complaints filed with the CPRB since it began reviewing complaints in 2001.
- Forwarded correspondence from Mayor Jennings to members of the Board, advising the Board that a special prosecutor had been appointed to investigate the facts and circumstances surrounding the death of David Scaringe on New Year's Eve and suspending the Board's review of the complaint in accordance with the advice and recommendation of the Corporation Counsel and pursuant to his authority under Section 42-348 of the Albany City Code.

- Drafted and forwarded correspondence to Complainant 1-04, notifying her that the Mayor has suspended the Board's review of her complaint.
- Attended and participated in meetings with Mayor Jennings, Commissioner Nielsen, Police Chief Wolfgang, the Police Department's Command Staff, and the Times Union Editorial Board.
- Forwarded, to members of the Board, a letter from Attorney Mark Mishler, along with a statement that Mr. Mishler presented to the Common Council on March 1, 2004.
- Forwarded, to members of the Board, Dr. Alice Green's letter of April 6, 2004.
- Met with the Board's new Assistant Corporation Counsel, Jennifer Cottrell, to discuss the Center's role in providing staff support services to the Board and the relationship between the Board, the Corporation Counsel's Office, and the Office of Professional Standards in the process of citizen complaint review. Also, followed-up on outstanding correspondence sent forwarded to the Board's former Assistant Corporation Counsel Todd Burnham, including the status of four (4) suspended complaints and one (1) complaint previously referred to mediation.
- Updated the Board's website to reflect the Board's Fourth Quarterly Report for 2003, the Board's meeting minutes, new term limits for those members reappointed to the Board in 2003, and recent news articles.

Third Quarter

The Government Law Center engaged in the following activities in the third quarter of 2004:

- Attended and participated in a meeting with the Mayor, the Deputy Mayor, and members of the Board.
- Met with Assistant Corporation Counsel, Patrick Jordan, the Board's new counsel, to discuss the Center's role in providing staff support services to the Board and the relationship between the Board, the Corporation Counsel's Office, and the Office of Professional Standards in the process of citizen complaint review.
- Drafted and forwarded correspondence to the Board's counsel, requesting follow-up on several outstanding items, including a request for: a written opinion advising the Center as to whether or not it is permissible for the Center to copy the Council 82 President on correspondence sent to officers who are the subject of citizen complaints, a status report of those complaints suspended from review in 2001 and 2002, and a review of CPRB No. 22-03/OPS No. C03-355. These requests were initially made to the former Assistant Corporation Counsel assigned to the Board.
- Drafted and forwarded correspondence to Daniel Salvin, Esq. of the Center for Law and Justice in response to his Freedom of Information Law (FOIL) request, notifying him that the Government Law Center would forward his request to the Albany City Clerk.

- Drafted and forwarded correspondence to the Albany City Clerk, enclosing the FOIL request from Mr. Salvin.
- Drafted and forwarded correspondence to Complainant 29-03, notifying him that his complaint had been referred to mediation pursuant to Section 43-343(F)(4) of Chapter 42, Part 33 of the Albany City Code.
- Forwarded, to members of the Board, a written transcript of the testimony given by Melanie Trimble to the Board at its May 24, 2004 meeting.
- Received and Reviewed the 2003 report of the School of Criminal Justice and Hindelang Criminal Justice Research Center at SUNY Albany, entitled “Citizen Oversight of the Albany Police: Perceptions of Police Clients and Complainants, 2003” prepared by Professor Robert E. Worden.
- Updated the Board’s website to reflect the Board’s First Quarterly Report for 2004, Third Annual Report, current meeting schedule, new meeting minutes, and recent news articles.

Fourth Quarter

In the fourth and final quarter of 2004, the Government Law Center engaged in the following activities:

- Drafted and forwarded correspondence, approved by the Board, to the Mayor and the President of the Common Council, requesting that appointments be made to fill the seats of three Board Members, who were resigning and/or whose terms were expiring in October 2004.
- Forwarded correspondence, approved by the Board, to the Mayor and the President of the Common Council, proposing that the Common Council amend the CPRB legislation to reduce the Board’s quorum requirement from seven (7) members to five (5) members.
- Attended and participated in a meeting with the Mayor, the Deputy Mayor, the President of the Common Council, and members of the Board.
- Compiled and forwarded documents, identified by Daniel Salvin, Esq. of the Center for Law and Justice in his Freedom of Information Law (FOIL) request, to Patrick Jordan, Assistant Corporation Counsel, for review and forwarding to the City Clerk.
- At the Board’s request, drafted and forwarded correspondence to the Office of Professional Standards, requesting additional information related to CPRB No. 30-03/OPS No. C03-786.
- Forwarded correspondence, approved by the Board, to Chief Turley, recommending additional training for the officer identified in CPRB No. 12-04/OPS No. C04-317.
- Forwarded, to the Board a copy of Local Law 8 of 2004, amending the Board’s legislation by lowering the quorum requirement from seven (7) to five (5) members.

- Forwarded, to the Board and to the OPS, correspondence from a gentleman seeking assistance with retrieving personal property from a former girlfriend.
- Forwarded, to the Board and to the OPS, correspondence from a former complainant regarding abuse and mistreatment that he witnessed and was subject to during his incarceration.
- Hired a law student intern to assist in providing staff support services to the Board.
- Updated the Board's website to include the Board's Second and Third Quarterly Reports for 2004, current meeting schedule, new meeting minutes, and an updated roster of Board members.

Over the course of the Board's fourth year, the Government Law Center also performed the following administrative tasks:

- Arranged logistics for and coordinated regular monthly meetings, including: securing dates, times, and locations for each meeting, and providing notice to the affected parties and to the public;
- Arranged logistics for and coordinated committee meetings, including: securing dates, times, and locations for each meeting, and preparing meeting materials;
- Arranged logistics for and coordinated training sessions, including: securing dates, times, and locations for each session, and preparing training materials;
- Arranged for Board member attendance at the 2004 NACOLE Conference, including: registering members for the conference and making hotel and flight reservations;
- Arranged logistics for and coordinated outreach sessions, including: securing dates, times, and locations for each session, and preparing outreach materials, as needed;
- Prepared and assembled regular monthly meeting packets for Board members, including: photocopying complaints, reports, and accompanying documents for review;
- Prepared a summary of new complaints filed with the Board for presentation by the Chair of the Committee on Complaint Review at each monthly meeting;
- Prepared findings forms for the recording of Board determinations by members of the Committee on Complaint Review at each monthly meeting;
- Attended monthly meetings, committee meetings, training sessions, and outreach sessions;
- Reported all activities related to Board business at each monthly meeting;
- Recorded and transcribed the minutes of each monthly meeting;

- Notified affected parties of Board findings, recommendations, and requests following each monthly meeting;
- Provided content for, updated, and maintained the Board's Website;
- Conducted a monthly accounting and inventory of complaints filed with the Board, including a summary of active and closed complaints, recommendations, and pending requests submitted to the Commissioner of Public Safety, the Office of Professional Standards, and the Corporation Counsel's Office;
- Reported monthly complaint accounting and inventory to the Board at each of its quarterly meetings;
- Assisted with typing and forwarding the Board's requests and recommendations to the Commissioner of Public Safety; the Chief of Police; the Office of Professional Standards; and/or the Corporation Counsel's Office;
- Received and logged in complaints;
- Opened and closed complaint files;
- Maintained regular communications with Board members; *and*
- Answered inquiries from the community and the media about the Board and the complaint review process.

CONCLUSION

The Board continued to be active in its fourth year of operation. In the first quarter, the Board reviewed more than half of its active complaints; attended and participated in two training sessions; and held its first Policy Review/Recommendations Committee meeting. In the second quarter, while the Board reviewed just under half of its active complaints, Board members attended and participated in two outreach meetings; two meetings of the Policy Review/Recommendations Committee were held; the Board conducted a public hearing; and the Board participated in meetings with the Mayor, Commissioner of Public Safety, the Police Chief, the Command Staff of the Albany Police Department, and the Times Union Editorial Board. The third and fourth quarters were devoted primarily to complaint review, but included meetings with the Mayor, Deputy Mayor, President of the Common Council, and Board member participation at the 2004 NACOLE Conference.

Although the Board has concluded four years of operation, it remains dedicated to improving communication between the 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.

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