

**City of Albany
Citizens' Police Review Board
Albany Public Library
161 Washington Avenue – Large Auditorium
November 14, 2006
6:00 p.m. – 8:00 p.m.**

Present: Jason Allen, Mauri Davis, Daniel Fitzgerald, James Malatras, John Paneto, Andrew Phelan, Anthony Potenza, Fowler Riddick.

Absent: Ronald Flagg.

I. Call to Order and Roll Call

Chairman Jason Allen called the meeting to order at 6:00 p.m. He noted that a quorum of the Board was present.

II. Approval of the Agenda

The agenda was reviewed. Chairman Allen motioned to approve the agenda. Mauri Davis seconded the motion. The motion carried unanimously.

III. Approval of the October 10, 2006 Meeting Minutes

The October 10, 2006 meeting minutes were reviewed. Chairman Allen motioned to approve the meeting minutes. Fowler Riddick seconded the motion. The motion carried unanimously.

IV. New Business

A. *New Complaints*

1. New Complaints Received Since October 10, 2006 Meeting

Chairman Allen reported that there were two (2) new complaints received by the Board since its October 10, 2006 meeting. Chairman Allen read a summary of each new complaint.

CPRB No. 37-06

The complainant claims that he was on the dance floor at Sneaky Pete's on Central Avenue and doesn't have a recollection of any argument or interaction with anyone. The complainant remembers waking up with officers holding him down, cuffed and shackled. The complainant admits that he was yelling obscenities because he didn't know what was happening. The complainant claims that police officers tortured him by putting their fingers 2 inches into his throat. The complainant also alleges excessive use of force by officers who used a foot to drive his face so hard into the concrete that rocks were stamped into his forehead and cheek, and a knee was driven into his lower back. The complainant alleges

that he suffered a concussion, broken nose, multiple bruises and continuous pain. The complainant further claims that he was never read his rights, never informed that he was under arrest and denied medical attention from bleeding, gagging, shivering and dizziness.

A monitor was appointed to this complaint.

CPRB No. 38-06

The complainant alleges that on September 12, 2006 around 12a.m., Albany police officers raided his house, did not find anything and charged him with a bogus case knowing that because he was on parole, parole would violate him. The complainant alleges that both officers lied at his parole hearing because he was charged with 3rd degree assault on his kid's mother's uncle who testified that the complainant never assaulted him. The complainant claims as the police officers assaulted him, punching and kicking him numerous times, he heard one of them say "this is for Frank."

A monitor was appointed to this complaint.

2. New Complaint(s) For Review

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

CPRB No. 26-06/OPS No. C06-358 (Presented by Jason Allen)

Chairman Allen summarized the complaint. The complainant states on March 29, 2006 that he was at Pearl and 4th Street when a man asked him for change. He said "no" and kept on going to his sister's house. While sitting on her steps, about five minutes later an officer pulled up and asked the complainant if he had crack on him. The officer searched him and found no drugs or crack but ran his name and found an outstanding warrant on him. The complainant alleges that he was never read his rights; the officer is guilty of violating his 4th and 5th amendments, harassment, racial harassment, character assassination, and false arrest.

Chairman Allen reviewed IDC as well as interview synopsis from the Office of Professional Standards which states the officer saw the complainant approach a known drug dealer. The officer lost sight of the complainant so he relayed a description of the complainant to other officers. The second officer, who this complaint is against, saw this complainant on the steps and approached him. The only difference between the officer statement and the complainant is the officer says the complainant was belligerent. Chairman Allen noted that this is a complaint where the facts are aligned. The witness was a friend of the complainant and he states the officers were professional and reasonable. However, the witness was handcuffed because he had a lead or steel pipe on him. The witness states that his rights should have been read also, but that doesn't fit in with this complaint. The witness also states the officers were professional to them, with the exception of not reading them their rights.

Chairman Allen noted that the monitor's report sums up what the officers, the witness, and the complainant stated with no discrepancies between the three. Chairman Allen read through the Office of Professional Standards findings.

Monitor George Kleinmeier was recognized. Mr. Kleinmeier had nothing new to add. Chairman Allen noted that the complainant was not at the meeting. Chairman Allen motioned to concur with the OPS' findings on all counts. Fowler Riddick seconded the motion. The motion carried unanimously.

B. *Appointment of New Members to the Committee on Complaint Review for December 2006*

The following Board members were appointed to the Committee on Complaint Review for December 2006: Jason Allen, Jim Malatras, Andrew Phelan, John Paneto, Anthony Potenza and Fowler Riddick.

C. *Approval of Second Quarterly Report*

Chairman Allen noted that the Board reviewed the draft of the Second Quarterly Report and there were no changes to report. Fowler Riddick motioned to approve the quarterly report. Jim Malatras seconded the motion. The motion carried unanimously.

D. *Committee/Task Force Chair Nominations*

Chairman Allen noted that for the past several months the committees have been at a relative standstill because retiring members have been leaving and new members coming in. There have been some activities with the By-Laws and Rules Committee and the Task Force on Standing/Complainant. Chairman Allen would like to use this opportunity to go through the list of committees and see who would like to chair and serve on each committee. Then next month the Board will come back and vote on it, giving members a chance to think about this and give Mr. Flagg an opportunity to join in. Chairman Allen noted that there is no specific process, the Board has had a huge turnover and are basically starting from scratch.

By-Laws and Rules Committee

Chairman Allen noted that the By-Laws and Rules Committee was formerly chaired by Paul Weafer. There is a process the Board needs to follow whenever the Board feels that a part of the by-laws or rules need to be revised. James Malatras and Fowler Riddick expressed interest in sitting on this committee. Chairman Allen expressed interest in sitting on the committee as well as chairing it. Chairman Allen proposed that the Task Force on Standing/Complainant be deleted from the list of committees because the Standing/Complainant document was voted on at the last meeting. Chairman Allen agreed to work with the Public Official Liaison Committee

to get the Standing/Complainant document reviewed and any responsibilities on standing can be addressed through the By-Laws and Rules Committee.

Community Outreach

John Paneto, James Malatras, Mauri Davis, and Fowler Riddick expressed an interest in sitting on the Community Outreach Task Force. James Malatras expressed interest in chairing the committee.

Complaint Review

Chairman Allen explained the responsibilities of the Complaint Review Committee to include reading summaries of the new complaints that were received since the last meeting, assigning complaints to Board members, and understanding who is going to be on the complaint review for the next month. This position was formerly held by Barbara Gaige. Andrew Phelan expressed an interest in chairing the committee. Mauri Davis and John Paneto expressed interest in sitting on this committee.

Mediation

The Mediation Committee was formerly headed by Barbara Gaige and then Jason Allen. Mr. Allen proposed that he remain on the committee as the Chair. Chairman Allen noted that he and Ms. Gaige met to go over a procedure that she worked out with the union. The policy that was agreed upon will be sent to Patrick Jordan for his review and then sent out to the Board members for their review. Chairman Allen wants to be able to tell the Chief that the Board likes the document that has been worked out with the union and the next action is for the APD to agree. He has one more step of due diligence to go over with Mr. Jordan and then the Board will see the procedure.

Policy Review/Recommendations

Jason Allen noted that he has been the Chair of the Policy Review/Recommendations Committee and no longer would like to serve as Chair, but would like to sit on it. The position consists of reviewing new police policies and making suggestions. This committee also reports to the Board every month regularly on its activities. There were a lot of strong feelings expressed this past year from the community regarding race-based profiling, use of force, and the Scaringe case. Chairman Allen noted that this is the subcommittee that serves as a liaison with the police department on its policies, procedures, or standard operating procedures, and then it comes back to the Board with its recommendations based on those transactions. Anthony Potenza, James Malatras, and Jason Allen volunteered to sit on the committee. Daniel Fitzgerald volunteered to be the Chair of the Policy Review/Recommendations Committee.

Public Official Liaison

Chairman Allen noted that the Public Official Liaison Committee is currently chaired by Ronald Flagg. Chairman Allen, Andrew Phelan and Anthony Potenza expressed interest in sitting on the committee. It was noted that the committee meets with Council members and the Mayor. There has not been much activity because a lot of the things the Board works on are covered by other committees. Chairman Allen noted that there was nothing new reported by Mr. Flagg in the last quarter. Mr. Flagg arranges meetings with the Mayor or Public Safety Committee of the City Council.

Task Force on Standing/Complainant

Chairman Allen explained the history behind the Task Force on Standing/Complainant which was created a year ago. The document has been voted on, reviewed by Mr. Jordan, and then Chairman Allen can continue working on it. Mr. Jordan is reviewing the standing document and is making it more user-friendly.

Chairman Allen noted that they should give Mr. Flagg an opportunity to volunteer for the committees. The Board will vote on the committee members next month.

Mr. Paneto asked when the committees meet. Chairman Allen replied that it is up to the committee chairs to decide. At the monthly meeting, each committee will be on the agenda and it can be as simple as: we did this, we discussed this, voted on that, didn't meet, or there was nothing to report. The role of the chair in a subcommittee is primarily to set the rhythm, establish the relationships with whoever they need to work with, and give the committee direction. There is nothing in the rules and by-laws that dictate how often the committees should meet.

E. Report of the Government Law Center (GLC)

Executive Assistant Sharmaine Moseley gave the report. Ms. Moseley reported that as of the date of the meeting, there are currently 26 active complaints before the Board for review. 210 complaints have been closed and 10 complaints are suspended from review. It was reported that the total number of complaints filed to date is 246.

Ms. Moseley reported that the new Board members have completed the Government Law Center's orientation as well as the Office of Professional Standards orientation. Now the new members will need to complete the ride-along training. Ms. Moseley asked the Board to let her know of their availability to schedule the ride-alongs.

Chairperson Allen noted that last year they tried to do the "Ride-along Rodeo" and it was impossible to do so. He proposes that the Board members, as individuals, contact Det. Fred Aliberti to schedule an appointment for a ride-along. The ride-along can be as long as the Board member would like it to be. The Board members

can arrange the time and Det. Aliberti will tell them which station to show up at. The members will be issued a vest to be used during the ride-along.

F. Report from the Office of Professional Standards

Detective Sergeant Kuck introduced himself to the Board. Sgt. Kuck clarified that next month's meeting will have a bigger docket to go through than tonight. The 26 cases before the Board are at various stages of investigation. Some of those cases are awaiting approval by the Chief and then can be added on the agenda at a subsequent meeting. Sgt. Kuck reported that he had nothing new to add.

G. Report from the Chair

Chairman Allen noted that the next meeting is Tuesday, December 12, 2006 at the Albany Public Library. Chairman Allen emailed the Board members proposing that they shadow him when he goes to the OPS, to get a feel for it. In the interest of planning ahead, now that they understand that they are going to have much more of a caseload, he proposes 2 p.m. on Friday December 8th to meet him at the OPS.

Chairperson Allen did not have anything else to report. He met with all of the new members at their orientation. The Board has the potential to do some good work and the number one core competency is to review cases and to adjudicate them properly based on the facts that are presented. The second most important thing they can do is to make the world a better place and the subcommittees are a very good instrument to do that. The past Board members have given some great input at the orientation. Nominations for the elected positions will occur at the December meeting and voting will take place at the January meeting.

V. Public Comment

The floor was opened for public comment.

Melanie Trimble, Executive Director of the New York Civil Liberties Union, was recognized. Ms. Trimble welcomed all of the new members to the Board. She reported that Schenectady hired an investigator.

Chairman Allen stated that the Schenectady Review Board was at the Board's last meeting to observe how the Board operates. He asked Ms. Trimble what the investigator is able to do, whether he can interview officers, and what authority he has?

Ms. Trimble replied that she hasn't really looked into that yet.

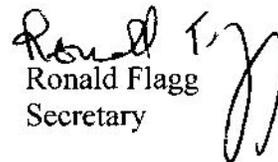
Chairman Allen asked what the difference is between what the Schenectady investigator does and what our monitors do. It sounds like it is a monitor that sits in an office. Ms. Trimble replied that she isn't really sure and she can certainly find out. Ms. Trimble stated that she

would certainly love to work with the Board and make sure that the Board members have all the resources that they need because they are still pretty young in the process and there are many review boards that do things other ways.

VII. Adjournment

Chairman Jason Allen motioned to adjourn the meeting. Fowler Riddick seconded the motion. The meeting was adjourned at 6:55 p.m.

Respectfully submitted,


Ronald Flagg
Secretary