

City of Albany

CITIZENS' POLICE REVIEW BOARD

Annual Report 2006

Submitted by
The Government Law Center of Albany Law School
on behalf of the
City of Albany Citizens' Police Review Board



Sixth 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. 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 knowledgeable of actual police practices.

DEFINITIONS

For purposes of this report, the following words and phrases shall have the meaning described in this report:

COMPLAINT – A written statement concerning police conduct which is either submitted to the Citizens' Police Review Board for filing with the Albany Police Department or filed directly with the Albany Police Department.

CPRB or BOARD – The Citizens' Police Review Board.

GOVERNMENT LAW CENTER – The Government Law Center of Albany Law School.

MEDIATION – A structured dispute resolution process in which a neutral third party assists the disputants to reach a negotiated settlement of their differences.

OFFICER – Any sworn police officer of the City of Albany Police Department affected by a citizen complaint.

OFFICE OF PROFESSIONAL STANDARDS – The Professional Standards Unit of the City of Albany Police Department.

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 Sixth Annual Report so submitted, covering the Board's operations from November 1, 2005 to October 31, 2006.

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 sixth year of operation:

Jason Allen

Appointed: 10/18/2004
Term Expires: 10/26/2008

Reverend Beresford Bailey *

Appointed: 10/22/2004
Term Expires: 10/26/2007

Daniel Fitzgerald

Appointed: 10/10/2006
Term Expires: 10/26/2007

Ronald Flagg

Appointed: 10/18/2004
Term Expires: 10/26/2007

Barbara Gaige**

Appointed: 3/5/2002
Term Expires: 10/26/2008

Marilyn Hammond

Appointed: 10/26/2000
Term Expires: 10/26/2006

Mauri Davis Lewis

Appointed: 8/16/2006
Term Expires: 10/26/2009

James Malatras

Appointed: 10/5/2006
Term Expires: 10/26/2009

Judith Mazza

Appointed: 10/26/2000
Term Expires: 10/26/2006

John Paneto

Appointed: 10/5/2006
Term Expires: 10/26/2009

Andrew Phelan, Jr.

Appointed: 9/26/2006
Term Expires: 10/26/2009

Anthony Potenza

Appointed: 10/5/2006
Term Expires: 10/26/2008

Hon. Fowler Riddick

Appointed: 1/5/2006
Term Expires: 10/28/2008

Paul Weafer, Esq.

Appointed: 10/26/2000
Term Expires: 10/26/2006

Michael Whiteman, Esq.

Appointed: 10/26/2000
Term Expires: 10/26/2006

* *resignation effective 6/13/06*

** *resignation effective 9/20/06*

Reappointments

On November 21, 2005, the Albany Common Council passed a resolution re-appointing Chairperson Barbara Gaige and Jason Allen to serve three-year terms, which would expire on October 26, 2008.

Resignations

In correspondence dated April 10, 2006 to the Chairman of the Public Safety Committee of the Albany Common Council, Joseph Scalzo, Jr., Board Chair Barbara Gaige announced her

resignation from the Board. In correspondence dated April 14, 2006 to Chairman Scalzo, Chairperson Gaige rescinded her resignation and announced that she was taking a leave of absence from the Board.

At the Board's May 18, 2006 meeting, Vice-Chair Jason Allen assumed Chairperson Barbara Gaige's duties as Chair until she returned from her leave of absence or until a new Chair was elected in January 2007 pursuant to the Board's By-Laws.

In correspondence dated June 13, 2006 to the Chairman of the Public Safety Committee of the Albany Common Council, Joseph Scalzo, Jr., Board Chair Barbara Gaige announced her resignation from the Board effective immediately.

In correspondence dated July 18, 2006 to Mayor Gerald Jennings, Board member Reverend Beresford Bailey announced his resignation from the Board effective September 30, 2006.

Appointments

On January 5, 2006, Mayor Gerald Jennings appointed the Honorable Fowler Riddick as a member of the Board, to fill the seat vacated by former CPRB Vice-Chair Herman Thomas. Legislator Riddick was appointed to serve a three-year term, which expires on October 26, 2008.

On August 16, 2006, Mayor Gerald D. Jennings appointed Mauri Davis Lewis as a member of the Board effective October 26, 2006. Board member Lewis was appointed to serve a three-year term, which expires on October 26, 2009. On September 26, 2006, Andrew Phelan, Jr. was appointed as a member of the Board by Mayor Jennings and will serve a three-year term, which expires on October 26, 2009. On October 10, 2006, Daniel Fitzgerald was also appointed as a member of the Board by Mayor Jennings to fulfill the remainder of former member Reverend Beresford Bailey's term. Board member Fitzgerald's term will expire on October 26, 2007.

On October 5, 2006, the Albany Common Council appointed James Malatras, John Paneto, and Anthony Potenza as members of the Board. Board members Malatras and Paneto have been appointed to serve three-year terms, which expires on October 26, 2009. Board member Potenza has been appointed to a two-year term, which expires on October 26, 2008.

New Member 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 Police Academy . . . within six months of the start of the member's term is required."

Second Quarter

In the second quarter of 2006, new Board member Fowler Riddick attended and participated in the first session of the Board's orientation program, comprising three hours of in person training and six hours of training via audiotape. Training topics included: the CPRB Legislation, By-Laws, and Rules of Procedure; the complaint review process; the Board's public education and community outreach program; the role of the Government Law Center as administrative staff; the Open Meetings Law, the Freedom of Information Law, and Section 50-a of the New York Civil Rights Law; the Albany Police Department's internal affairs function—the

duties and responsibilities of the Office of Professional Standards (OPS); and the role of the Board's monitors/investigators in the process of complaint review. Legislator Riddick also completed a ride-along as part of his training. The ride-along consist of a Board member riding with an APD officer during his/her work shift to observe. This is an opportunity for the Board members to observe the interaction between the officers and the community.

The orientation program was coordinated and facilitated by the Government Law Center to educate Legislator Riddick about the Board's organization and operation and included training on the goals, powers, and procedures of the Board as required by Section 42-339 of Chapter 42, Part 33 of the Albany City Code.

Board member Reverend Beresford Bailey also participated in a ride-along in the second quarter of 2006.

Third Quarter

Board member Jason Allen participated in a ride-along in the third quarter of 2006.

Fourth Quarter

In the fourth quarter of 2006, new Board members Mauri Davis Lewis, Daniel Fitzgerald, James Malatras, John Paneto, Andrew Phelan, Jr. and Anthony Potenza attended and participated in the Board's orientation program which consisted of three sessions. The first session of the orientation program was coordinated and facilitated by the Government Law Center to educate the six (6) new members about the Board's organization and operation and included training on the CPRB Legislation; By-Laws and Rules of Procedure; the complaint review process; the Board's public education and community outreach program; and the role of the Government Law Center as administrative staff; the Open Meetings Law; the Freedom of Information Law; Section 50-a of the New York Civil Rights Law; an introduction on laws relating to Civil Rights violation and excessive use of force; and ethics. The second and third sessions of the orientation program were coordinated and facilitated by the Albany Police Department's Office of Professional Standards to comprise of training in four policy areas: use of tasers; use of force; vehicle pursuits; and search and seizure. The sessions included discussion of each policy, its coverage, and any changes or amendments that have been made to the policies. Instructors provided the new members with demonstrations on the use of tasers.

Orientation trainers included members of the GLC staff Patricia Salkin, Esq. and Justina Cintron Perino, Esq.; Board member Judith Mazza; former Board member Barbara Gaige; Patrick Jordan, Esq., Assistant Corporation Counsel of the City of Albany; Daniel Stewart, Esq., Brennan & White, LLP; and Assistant Chief Anthony Bruno and members of the Albany Police Department.

Ride-alongs for each new member appointed during the fourth quarter of 2006 will be scheduled to take place in the first and second quarters of 2007.

New Member Citizen Police Academy

New members participation in the APD's Albany Citizen Police Academy is scheduled to take place in the second and third quarters of 2007.

Officers

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

Chair	Barbara Gaige
Vice-Chair	Jason Allen
Secretary	Ronald Flagg

At the Board's December 5, 2005 meeting, the following Board members were nominated, pursuant to Article IV, Section 1 of the Board's By-Laws, for positions as Board officers: Barbara Gaige as Chair, Jason Allen as Vice-Chair, and Ronald Flagg as Secretary.

At the Board's January 9, 2006 meeting, the Board held an election for new Board officers pursuant to Article IV, Section 1 of the Board's By-Laws. The slate was presented, voted on, and approved unanimously to elect Barbara Gaige as Chair, Jason Allen as Vice-Chair, and Ronald Flagg as Secretary.

Committees and Task Forces

At the Board's November 14, 2005 meeting, a new task force, Task Force on Standing/Complainant, was proposed and formed by Chairperson Barbara Gaige. The new task force was created to study the definition of "complainant" and who has standing to file a complaint. The following members volunteered, and were appointed, to serve on the Task Force: Barbara Gaige, Ronald Flagg, Paul Weafer, and Michael Whiteman. Mr. Weafer was appointed to chair the Task Force.

The following is the new CPRB committee/task force structure. Each committee/task force was operational during the sixth year:

<i>By-Laws and Rules</i>	Paul Weafer (Co-Chair) Michael Whiteman (Co-Chair)
<i>Community Outreach</i>	Judith Mazza (Chair) Rev. Beresford Bailey Ronald Flagg
<i>Complaint Review</i>	Judith Mazza (Chair) Jason Allen Rev. Beresford Bailey Ronald Flagg Barbara Gaige Marilyn Hammond Hon. Fowler Riddick Paul Weafer Michael Whiteman
<i>Mediation</i>	Jason Allen (<i>Chair beginning 5/18/2006</i>) Barbara Gaige (<i>Chair until 4/14/2006</i>) Paul Weafer Michael Whiteman

*Police Department Policy
Review/Recommendations* Jason Allen (Chair)
Marilyn Hammond
Judith Mazza

Public Official Liaison Ronald Flagg (Chair)
Barbara Gaige
Marilyn Hammond

Task Force on Monitors Jason Allen (Chair)
Marilyn Hammond
Paul Weafer

*Task Force on
Standing/Complainant* Paul Weafer (Chair)
Ronald Flagg
Michael Whiteman

BY-LAWS AND RULES

During the second and third quarters of 2006, the Board agreed not to act on any changes to the By-Laws and Rules of the Board until the complainant/standing issue was resolved, since the resolution may require changes to the By-Laws and Rules of the Board.

During the fourth quarter of 2006, at its October 10, 2006 meeting the Board voted unanimously to amend the quorum required to vote in its By-Laws from seven (7) to five (5) so that it is the same as the quorum required to vote in Section 42-337 of Chapter 42, Part 33 of the Albany City Code.

COMMUNITY OUTREACH

First Quarter

In November 2005, the Board began the process of updating its outreach materials and expanding its education and outreach program. Organizations listed on the complaint form and brochure were contacted to update their contact information, and to confirm that they were still willing to assist complainants in filling out and filing complaint forms. The Board began reviewing its brochure for updates to make it more comprehensive and user-friendly.

The Board mailed and delivered complaint forms to area churches and community organizations in an effort to increase locations where its complaint forms could be accessed.

Second Quarter & Third Quarter

The Board continued to receive responses from letters that were sent out to area churches regarding complaint forms. The Government Law Center redrafted and forwarded to the Board the complaint form to include a mediation query and additional locations where complainants can obtain assistance in filling out the form. The Government Law Center drafted correspondence, and forwarded copies of complaint forms to area churches to have available on site in response to requests. The Board continued revising the its brochure.

Fourth Quarter

The Board agreed to continue its review of the complaint form and brochure and not make any revisions until the new members were seated.

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.

First Quarter

The Board presented four (4) complaints for review and rendered findings for the allegation(s) contained in all four (4) complaints. In addition, the Board took action on one (1) complaint. The action taken was to not investigate a complaint because it involved members of the Schenectady Police Department. At the conclusion of the Board's fifth year of operation, all five (5) complaints were not reviewed and reported in the Board's Fifth Annual Report and were, therefore, carried forward and reviewed in the sixth year.

Second Quarter

The Board presented twelve (12) complaints for review and rendered findings for the allegation(s) contained in eight (8) complaints. Of the twelve (12) complaints reviewed, four (4) of those complaints were reviewed at previous meetings of the Board but no findings were made. Six (6) of the twelve (12) complaints reviewed were not reviewed and reported in the Board's Fifth Annual Report and were, therefore, carried forward and reviewed in the sixth year. Six (6) of the twelve (12) complaints reviewed were filed in the sixth year.

Third Quarter

The Board presented nine (9) complaints for review and rendered findings for the allegation(s) contained in eight (8) complaints. In addition, the Board took action on one (1) complaint. This action included the Board voting unanimously, pursuant to its authority under § 42-343(F)(2) of the City Code, to table rendering its findings and requested that the OPS conduct a more thorough and complete investigation of the complaint. Three (3) of the nine (9) complaints reviewed were not reviewed and reported in the Board's Fifth Annual Report and were, therefore, carried forward and reviewed in the sixth year. Six (6) of the nine (9) complaints reviewed were filed in the Board's sixth year of operation.

Fourth Quarter

_____The Board presented fifteen (15) complaints for review and rendered findings for the allegation(s) contained in thirteen (13) complaints. In addition, the Board took action on two (2) complaints. These actions included the Board rejecting the OPS' preliminary findings and forwarding the investigation to Chief Tuffey for his review. All fifteen (15) complaints reviewed were filed in the Board's sixth year of operation.

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

<i>November 2005</i>	Jason Allen, Judith Mazza, Herman Thomas, Paul Weafer, Esq., and Michael Whiteman, Esq.
<i>December 2005</i>	Jason Allen, Barbara Gaige, Marilyn Hammond, Judith Mazza, and Paul Weafer, Esq.
<i>January 2006</i>	Jason Allen, Barbara Gaige, Marilyn Hammond, Judith Mazza, and Paul Weafer, Esq.
<i>February 2006</i>	Jason Allen, Barbara Gaige, Judith Mazza, Paul Weafer, Esq., and Michael Whiteman, Esq.
<i>March 2006</i>	Jason Allen, Ronald Flagg, Barbara Gaige, Judith Mazza, Paul Weafer, Esq., and Michael Whiteman, Esq.
<i>April 2006</i>	Jason Allen, Rev. Beresford Bailey, Ronald Flagg, Judith Mazza, and Michael Whiteman, Esq.
<i>May 2006</i>	Rev. Beresford Bailey, Ronald Flagg, Marilyn Hammond, Judith Mazza, and Hon. Fowler Riddick.
<i>June 2006</i>	Jason Allen, Rev. Beresford Bailey, Ronald Flagg, Judith Mazza, Hon. Fowler Riddick, Paul Weafer, Esq., and Michael Whiteman, Esq.
<i>July 2006</i>	Jason Allen, Rev. Beresford Bailey, Ronald Flagg, Marilyn Hammond, Hon. Fowler Riddick, Paul Weafer, Esq., and Michael Whiteman, Esq.
<i>August 2006</i>	<i>The Board did not meet during August 2006.</i>
<i>September 2006</i>	Jason Allen, Ronald Flagg, Marilyn Hammond, Judith Mazza, Hon. Fowler Riddick, Paul Weafer, Esq., and Michael Whiteman, Esq.
<i>October 2006</i>	Chairman Jason Allen, Ronald Flagg, Marilyn Hammond, Judith Mazza, Hon. Fowler Riddick, Paul Weafer, Esq., and Michael Whiteman, Esq.

COMPLAINT REVIEW: SUMMARIES AND STATISTICS

Number of Complaints Filed

During its sixth year of operation (November 1, 2005 to October 31, 2006), the Board received a total of forty-four (44) complaints. (See Figure 1). Two (2) of the forty-four (44) complaints filed in the sixth year were filed by the same party and were originally treated by the GLC as one complaint. However, the OPS conducted two separate investigations of the two (2) complaints, so the GLC decided to handle them separately but assign the same number to both

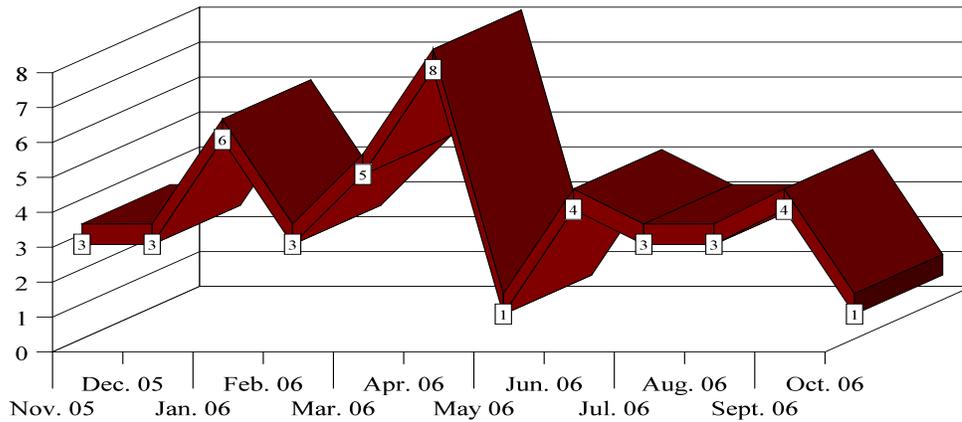


Figure 1: Monthly breakdown of complaints filed November 1, 2005 to October 31, 2006 - Total forty-four (44).

complaints. The complaints had two (2) different allegations. The Board received an average of three (3) complaints per month from November 2005 to October 2006. In the months of January and April 2006, however, there was a noticeable increase in the number of complaints filed and received by the Board. An average of seven (6) complaints were received in each of these months. 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).

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 forty-four (44) complaints filed in the sixth year, the Board appointed a monitor to observe the OPS's investigation of thirty-seven (37) complaints.

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 forty-four (44) complaints filed with the Board in the sixth year, twenty-six (26) contained information from the complainant regarding the complainant's race/ethnicity and/or gender. There were twenty-six (26) identified complainants in these forty-four (44) complaints, comprising: six (6) African-American females; eight (8) African-American males; seven (7) Caucasian females; three (3) Caucasian males; one (1) Hispanic female; and one (1) Hispanic male. (See Figure 2).

Nineteen (19) complainants either submitted a written complaint not using the Citizen Complaint Form or choose not to submit information regarding their race/ethnicity or gender. However, in fourteen (14) of those complaints the gender of complainant, thirteen (13) males and one (1) female, was determined 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

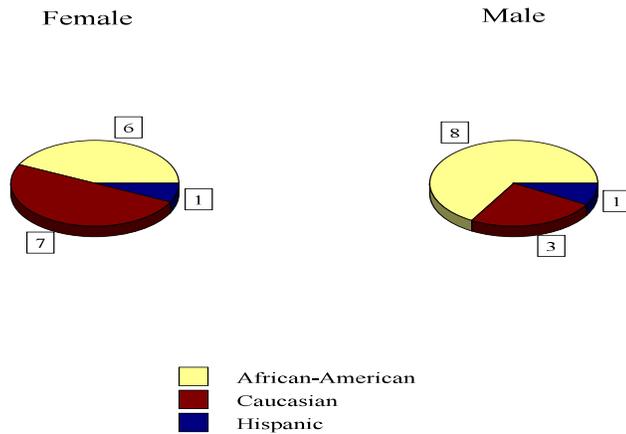


Figure 2: Race/Ethnicity and Gender of the Complainant

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. Twenty-five (25)¹ police officer descriptions, including race/ethnicity and gender, were included within the forty-four (44) complaints filed with the Board in the sixth year. Twenty-four (24) police officer descriptions,

however, were redacted by the Office of Professional Standards. Of the twenty-four (24) police officer descriptions that were redacted, the gender of sixteen (16) officers (fifteen (15) male and one (1) female), was determined from the language contained in the complaint. The ethnicity/race of the officers could not be ascertained from the language contained in the complaints. Descriptions for twenty (20) police officers were either not included or the information was unknown. However, the gender of nine (9) of these officers, all male, was determined from the language contained in the complaint.

Allegations Contained in the Complaints

In the sixth year of operation, ten (10) of the forty-four (44) complaints filed with the Board contained a single allegation of misconduct against an officer or officers of the Albany Police Department. Thirty-four (34) complaints contained multiple allegations, with a majority of these complaints averaging three (3) misconduct allegations. Figure 3 illustrates the allegations made in the forty-four (44) complaints filed with the Board. Given that over three-fourths (3/4) 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.

One hundred-twenty (120) allegations were made in the forty-four (44) complaints filed with the Board in the sixth year. Of the one hundred-twenty (120) allegations, the Board identified seventeen (17) categories of allegations. Twenty-four (24) subcategories of allegations were also identified, five (5) of which fell under the category of Abuse of Authority, nine (9) of which fell under the category of Neglect of Official Duties, seven (7) of which fell under the category of Unprofessional Conduct, and three (3) 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.

Slightly more than nine percent (9%) of the allegations identified in the complaints filed with the Board were classified as searches. Searches were characterized as either illegal, improper, and unlawful and included pat-frisk searches of the complainant's person, searches of the complainant's personal property, searches of private residences, and vehicle searches.

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 twenty-five (25) police officer descriptions are of twenty-five (25) different officers or are of a number of the same officers.

Figure 3: Allegations Contained in Complaints Filed - Total 120

Abuse of Authority	
Evidence Tampering	3
Intimidating Behavior	1
Threatened Arrest	2
Threatened to Damage Personal Property	1
Threatened to Give Ticket	1
Denied Access to Personal Property	1
Denied Entry into Business	1
Denied Entry into Residence	1
False/Illegal/Improper/Unlawful Arrest	11
Illegal/Improper/Unlawful/Search	10
Illegal/Improper/Unlawful Body Search	1
Illegal/Improper/Unlawful Stop	1
Illegal/Improper/Unlawful Ticketing/ Unlawful Ticketing in Retaliation	2
Illegal/Improper/Unlawful Detention	2
Illegal/Improper/Unlawful Entry into Private Residence	4
Improper Handling of Personal Property	1
Neglect of Official Duties	
Failure to Ensure/Endanger Safety of Minor	2
Failure to Give Miranda Warnings/Fingerprint	3
Failure to Respond to 911 Call	1
Failure/Refusal to Provide Information/Assistance	1
Failure to Provide Report	1
Failure to Complete Report	1
Failure/Refusal to Provide/Accept Complaint Form	2
Delay in Giving Miranda Warnings	1
Denied Access to Supervisor	1
Refused Medical Treatment	1

Unprofessional Conduct	5
Harassment	8
Racial Bias	3
Race-Based Stop	1
Racial Profiling	1
Retaliation	1
Rude/Disrespectful	5
Derogatory/Inappropriate/Profane/Offensive/ Vulgar/Racially-Biased Language	6
Use of Force	
Excessive Use of Force	24
Improper Use of Force	2
Unnecessary Use of Force	5
Violation of Civil Rights	2

More than eleven percent (11%), slightly less than one-quarter (1/4), of the allegations made were classified as illegal, improper, or unlawful stops, detentions, and questioning, or arrests. Stops included pedestrian stops as well as traffic stops. Arrests were identified as either false, illegal, improper, or unlawful.

Approximately forty-three percent (43%), of the misconduct alleged was classified as abuse of authority, neglect of official duties, or unprofessional conduct. Abuse of authority involved complaints of evidence tampering, intimidating behavior, threatened arrest, threats to damage personal property and threats to give a ticket. Slightly more than six percent (6%) of the allegations identified in the complaints filed with the Board were classified as abuse of authority. Neglect of official duties included allegations of incidents of failing to ensure/endangering the welfare of a minor, failing to give Miranda warnings, failing to fingerprint after an arrest, failing to respond to a 911 call, failing to provide information or assistance to the complainant during an encounter, failure to provide a report, failure to complete a report, failure to provide the complainant with or accept a complaint form, delay in giving Miranda warnings, and denied access to a supervisor. Slightly more than ten percent (10%) of the allegations identified in the complaints filed with the Board were classified as neglect of official duties. The allegation of negligence was a general complaint involving the complainant-officer contact and the encounter as a whole. Twenty-five percent (25%) of the allegations identified in the complaints filed with the Board were classified as unprofessional conduct. Unprofessional conduct included allegations of harassment, racial bias toward the complainant, race-based stops, racial profiling, retaliation, rude behavior toward the complainant and language. Language was identified as derogatory, inappropriate, profane, offensive, vulgar, or racially-biased.

Use of force accounted for slightly more than twenty-five percent (25%) of the allegations. The use of force allegations were identified as excessive, improper, or unnecessary use of force.

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). In its sixth year of operation, five (5) of the forty-four (44) complaints filed with the Board were suspended by Mayor Gerald Jennings. On November 17, 2005 and January 11, 2006, the Board received correspondence from Mayor Jennings suspending its review of five complaints. The first complaint involved an allegation of excessive use of force; the second complaint involved allegations of a violation of civil rights and an illegal entry without a search warrant; the third complaint involved allegations of excessive use of force and unprofessional conduct; the fourth complaint involved an allegation of endangering the welfare of a child; and the fifth complaint involved allegations of racial profiling and a violation of civil rights. The second, third and fourth complaints were related to the same incident.

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).

2004-2005

At the conclusion of the Board’s fifth year of operation, findings had not yet been made with respect to nineteen (19) complaints. Two (2) of the nineteen (19) complaints were filed in the Board’s second year of operation (November 1, 2001-October 31, 2002). One (1) of the nineteen (19) complaints was filed in the Board’s third year of operation (November 1, 2002-October 31, 2003). Two (2) of the nineteen (19) complaints were filed in the Board’s fourth year of operation (November 1, 2003-October 31, 2004). Fourteen (14) of the nineteen (19) complaints were filed in the Board’s fifth year of operation (November 1, 2004-October 31, 2005). These complaints were not reported in the Board’s Fifth Annual Report and were, therefore, carried forward into the sixth year.

At the conclusion of the Board’s fifth year of operation, Albany Police Department final determinations had not yet been made with respect to one (1) complaint. The complaint was filed in the Board’s fourth year of operation (November 1, 2003 - October 31, 2004) and reviewed and

closed by the Board in the fifth year but the Albany Police Department final determinations were not made at that time. The Albany Police Department final determinations for this complaint will be included in the Board's Sixth Annual Report.

2005-2006

In the Board's sixth year of operation, in addition to the above one (1) complaint carried forward, the Board reviewed forty (40) complaints and rendered findings for thirty-three (33) complaints. Ten (10) of the forty (40) complaints reviewed were previously not reviewed and were, therefore, carried forward into the Board's sixth year of operation. In its sixth year, forty-four (44) complaints were filed with the Board. In addition to the ten (10) complaints that were carried forward, the Board reviewed twenty-three (23) of its forty-four (44) filed complaints and rendered findings for the allegations contained in thirty-three (33) complaints. In addition, the Board took action on three (3) complaints. These actions included the Board rejecting the OPS' preliminary findings and forwarding the investigation to Chief Tuffey for his review. Since thirty (30) of the forty (40) complaints reviewed contained multiple allegations of misconduct, the number of findings made is not equal to the number of complaints in which findings were rendered.

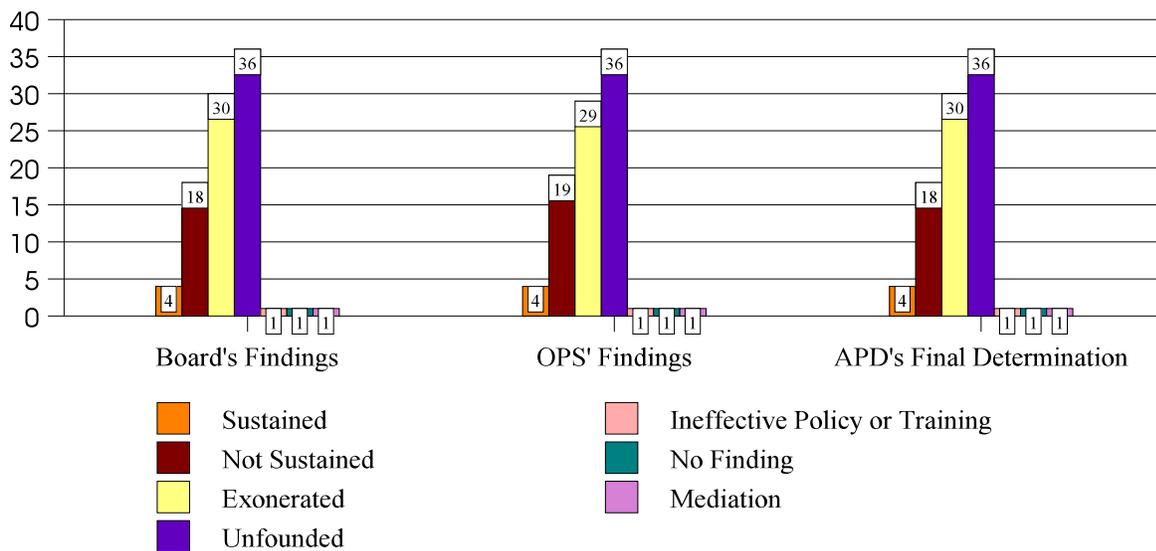


Figure 5: Comparison of Findings Made by the Board, the OPS, and the Police Department (November 2005-October 2006)

As to the one (1) complaint that was reviewed and closed by the Board in the fifth year but carried forward into the sixth year because the Albany Police Department final determination was not made at that time, the Board made findings consistent with the preliminary findings of the Office of Professional Standards. As to the forty (40) complaints reviewed, the Board made findings consistent with the preliminary findings of the Office of Professional Standards in thirty-two (32) cases. Of the forty (40) complaints reviewed, the Board made a finding that was inconsistent with the preliminary findings if the Office of Professional Standards in one (1) case. For one of these cases, the Office of Professional Standards did not submit a preliminary finding because the case was handled by the Chief of Police due to the circumstances of the incident. After its review of the case, the Board closed the case without making a finding. Of the forty (40) complaints reviewed, one (1) complaint was reviewed by the Board twice and sent back to the Office of Professional Standards for further review and two (2) complaints were reviewed by the Board and sent back to the Office of Professional Standards for further review.

The findings for these three (3) complaints, will not be reported in the Board's Sixth Annual Report and, therefore, will be carried forward in the seventh year.

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.

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 sixth year, of its forty (40) complaints reviewed, the Board returned three (3) complaints reviewed to the Office of Professional Standards for further investigation. Those complaints involved five (5) allegations of unprofessional conduct; one (1) allegation of false arrest; and one (1) allegation of call handling.

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 sixth year, the Board did not refer any complaints to the Chief for consideration and approval for mediation pursuant to its authority under § 42-343(F)(4).

Other Board Action

In its sixth year of operation, the Board made a decision not to review two (2)² complaints, which were previously submitted to the Board. In its communication to the complainant, the Board explained that under the law that created the Albany CPRB, they were not given the power to review complaints of police misconduct against officers of police departments outside of the City of Albany. Since the complaints appear to involve members of Police Department outside the City of Albany, the Board did not have the power to review them.

Complaints Reviewed and Closed

At the close of its sixth year in October 2006, the Board had reviewed forty (40) complaints and had closed a total of thirty-three (33). Figure 6 illustrates a monthly comparison of the number of complaints reviewed and closed by the Board between November 1, 2005 and October 31, 2006.

At the conclusion of the sixth year of operation, the Board had not yet made findings with respect to thirty-four (34) complaints, twenty-two (22) of which are open and active complaints and twelve (12) of which are complaints that have been suspended from the Board's review. None of these thirty-four (34) complaints, will be reported in the Board's Sixth Annual Report and, therefore, they all will be carried forward in the seventh year.

²These two (2) complaints are not included in the statistics for the Sixth Annual Report.

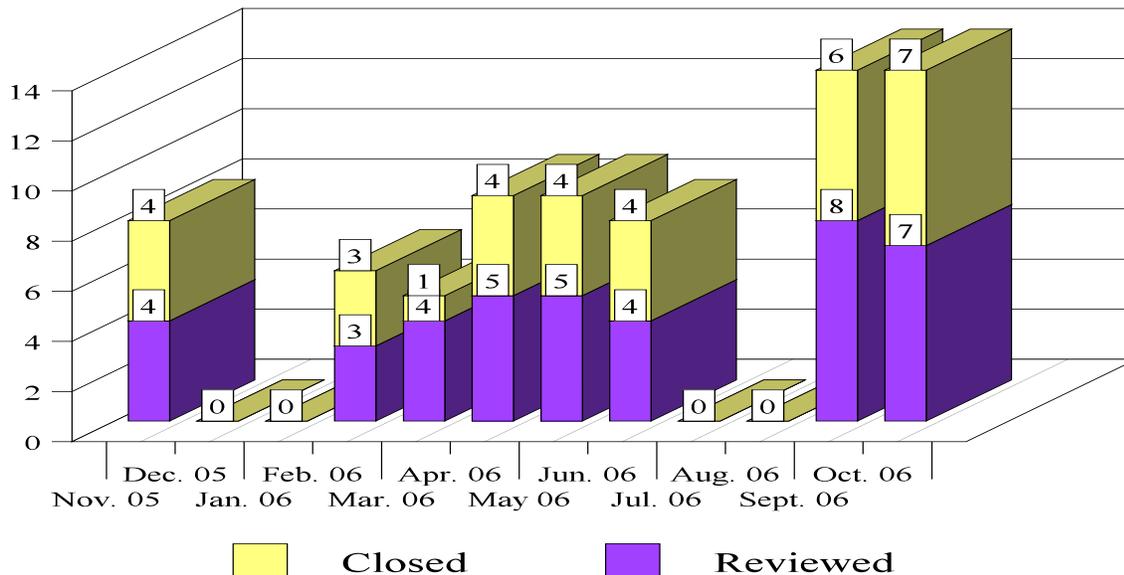


Figure 6: Monthly Comparison of Complaints Reviewed and Closed November 1, 2005 to October 31, 2006

MEDIATION

First Quarter

At its November 14, 2005 meeting, the Board received copies of a report prepared by Lauri Stewart, Mediation Program Director for Independent Police Review in Portland, Oregon. Ms. Stewart facilitated a three-day series of meetings with citizen-police oversight stakeholders groups in the City of Albany to discuss best practices in citizen-police oversight mediation and IPR’s Mediation Program, and to evaluate the Board’s Mediation Program. Ms. Stewart’s report, entitled, “Citizen-Police Mediation in Albany: Recommendation for Developing a Strong Program,” addressed her reactions, findings, and recommendations for a redeveloped Board mediation program. Copies of the report were forwarded to all of the mediation meeting participants, including: members of the Board, the Albany Police Department, the City, the police officers’ unions, and the community.

Second Quarter

On March 10, 2006, a meeting of the Mediation Committee, members of the Albany Police Department, including Chief James Turley, Assistant Chief Anthony Bruno, Assistant Chief Stephen Reilly, and representatives of the police officers’ unions, and staff of the Government Law Center was held. The purpose of the meeting was to begin the dialogue and discussion of developing a workable Board mediation program. The meeting was an opportunity for participants to discuss issues and concerns relating to the former program and a redeveloped program, and logistical and practical aspects of putting a new program into place.

On April 4, 2006, a second meeting of the Mediation Committee and members of the Albany Police Department was held to further discuss the development of a new mediation program for the Board. Draft mediation protocols were prepared by Committee Chairperson Barbara Gaige and forwarded to Assistant Chief Anthony Bruno for review.

Third Quarter

During the third quarter of 2006, former Chairperson Barbara Gaige, Chief James Tuffey and Assistant Chief Anthony Bruno remained committed to working together on a mediation model that will encourage complainants and officers to use it.

Fourth Quarter

On November 10, 2006, Chairman Jason Allen met with former Board Chairperson Barbara Gaige to discuss the mediation policy agreed upon by the former Board members and the APD's Union.

POLICY REVIEW/RECOMMENDATIONS

Standing Monthly Meeting with the APD

In the Board's sixth year of operation, the Police Department Policy Review/Recommendations Committee continued its standing monthly meetings with the Albany Police Department. These meetings were scheduled to take place one-hour prior to the start of the Board's regular monthly meetings, from 5:00 p.m. to 6:00 p.m. at the Albany Public Library. These meetings provided an opportunity for the CPRB and the APD to review and discuss the development of Department practices, policies and procedures.

First Quarter

On November 14, 2005, December 5, 2005 and January 9, 2006, the Policy Review/Recommendations Committee held its standing monthly meeting with members of the Albany Police Department, including former Police Chief James Turley, new Police Chief James Tuffey, and Assistant Police Chiefs Paula Breen and Anthony Bruno. These meetings provided an opportunity for committee members and the police department to discuss: policy issues presented in the complaint filed by the Coalition for Accountable Police and Government (CAPG); data collection from the department, including information on calls for service, use of force, racial profiling, and citizen complaints; and a policy statement from the department regarding its racial profiling policy.

Regular Committee Meeting

On December 2, 2005, a regular meeting of the committee was held to continue its discussion of the policy issues contained in the CAPG's complaint.

Meeting of the Chief, CAPG, and Board

At its December 5, 2005 meeting, the Board voted unanimously, upon agreement of former Chief Turley, to recommend that the Chief and members of the CAPG meet to discuss the issues and concerns raised in the Coalition's complaint. On January 19, 2006, a meeting of new Police Chief James Tuffey, members of the CAPG, Board Chairperson Barbara Gaige, Vice-Chairman Jason Allen, and Board members Beresford Bailey and Judith Mazza was held. The meeting provided an opportunity for the new Chief, members of the CAPG, and members of the Board to discuss the issues raised in the CAPG's complaint.

Data Collection

At the December 5, 2005 meeting, former Police Chief James Turley and one of the Albany Police Department's statisticians gave a presentation to the Board about the way in which the Albany Police Department collects and records race/ethnicity data of those individuals with whom police officers have contact. Chief Turley provided the Board with a sample of the raw data being collected and recorded.

Meeting with New Chief

On December 29, 2005, Board Chairperson Barbara Gaige met with new Police Chief James Tuffey. The meeting was an opportunity for Chairperson Gaige to talk, in more detail, with the new Chief about the Board, including its role in reviewing citizen complaints of police misconduct.

Second Quarter

On February 13, 2006, Committee Chairman Jason Allen, Board Chairperson Barbara Gaige, and Board member Judith Mazza met with Chief James Tuffey and Assistant Chief Paula Breen. Discussed at the meeting were new procedures for the OPS preliminary report review and forwarding to the Board, development of department policy directing that every person wishing to file a complaint be offered a complaint form; regular reports from the APD, including number of times complaints forwarded to the Board, number of times complaints forwarded to a supervisor, and outcomes of the complaints, generally; race/ethnicity data and reporting back to the Board. There were questions of interpretation and how the data would be distributed; plans for overhaul and updates to the Albany Police Department's entire Standard Operating Procedure (SOP); and discussion of a second meeting with the Coalition to discuss open items.

On March 13, 2006, Committee Chairman Jason Allen, Board Chairperson Barbara Gaige and Committee member Judith Mazza met with Chief Tuffey and Assistant Chief Bruno to followup on items discussed at the February 13, 2006 meeting.

On April 10, 2006, Committee Chairman Jason Allen, Chairperson Gaige, and Board member Hammond met with Chief Tuffey and Assistant Chief Bruno. Among the topics discussed were: issues concerning an announcement about the APD racial profiling policy and data that captures race/ethnicity of individuals having contacts with the police, and the Department's communication with Professor Robert Worden, SUNY Albany School of Criminal Justice, regarding interpretation and presentation of the data to the Board on a regular basis; the development of a proposal by the Board addressing the definition of "complainant" and standing to file a complaint; updated and redacted copies of the APD's pursuit and use of force policies for inclusion in the public copy of the SOP and revisions to outdated policies in the SOP; APD diversity in recruitment efforts; and follow-up on the Coalition for Accountable Police and Government (CAPG) complaint, including the scheduling of a second meeting to address open items. Also discussed was the offering of assistance to complainants in need when filling out and filing forms and the backlog of complaints.

On March 31, 2006, a second meeting of the CAPG was held regarding the status of their complaint and a follow-up of the open items discussed at the first meeting.

Third Quarter

The Police Department Policy Review/Recommendations Committee Chair agreed to suspend the monthly meetings of the policy review committee pending receipt of an opinion from Corporation Counsel regarding committee meetings and training sessions of the Board. The standing monthly meeting was subsequently suspended pending the Albany Police Department's (APD) review and revision of its Standard Operating Procedure. The meeting will commence once the APD is ready to discuss changes.

Data Collection

At its May 18, 2006 meeting, the Board discussed how it should move forward with researching a best practice in collecting and interpreting race/ethnicity data of those individuals with whom police officers have contact. The Government Law Center agreed to canvass best practices amongst the civilian oversight agencies in the country.

Fourth Quarter

At its October 10, 2006 meeting, Chairman Allen reported that the Policy Review/Recommendations Committee will resume its standing monthly meetings once the new members are on the Board.

PUBLIC OFFICIAL LIAISON

During the second quarter of 2006, a meeting of Board Chairperson Barbara Gaige, Board member Paul Weafer, Deputy Mayor Philip Calderone, Corporation Counsel John Reilly, and staff of the Government Law Center was held. The meeting was an opportunity to discuss the issue of standing, definition of complaint and complainant, and a proposed form where complaints could be filed by third-parties to address issues of concern, including policy, procedure, or practice concerns.

In the second quarter of 2006, the Board's officers also met with the newly-appointed Chair and Vice-Chair of the Common Council's Public Safety Committee. The meeting was an opportunity to introduce these Common Council members to the Board and to bring them up to date on the Board's activities.

In the fourth quarter of 2006, Chairman Allen met with Albany Common Council Public Safety committee Chair James Scalzo and Common Council member Barbara Smith to discuss posting for new CPRB members.

TASK FORCE ON MONITORS

In the third quarter of 2006, the Task Force developed a strategy to address and enhance the monitors requirements for the Board. This strategy consisted of developing job qualification requirements, identifying what it takes to be a monitor, determining the process of advertising openings, identifying the process for approving new monitors and discussing monitor training.

In the fourth quarter of 2006, the Task Force continued looking at ways to expand the monitor pool, and to develop a job description, qualifications, requirements, and protocol for monitoring and reporting back to the Board. The monitors' protocol was forwarded to the Board

and the monitors for their input. At its October 10, 2006 meeting, the Board discussed the protocol and agreed to hold off on making any decisions until the new Board members had an opportunity to review it.

TASK FORCE ON STANDING/COMPLAINANT

First Quarter

At its November 14, 2005 meeting, a new task force, the Task Force on Standing/Complainant, was proposed and formed by Chairperson Barbara Gaige. The new task force was created to study the definition of “complainant” and “standing” to file a complaint. The following members volunteered, and were appointed, to serve on the Task Force: Barbara Gaige, Ronald Flagg, Paul Weafer, and Michael Whiteman. Mr. Weafer was appointed to chair the Task Force.

On December 1, 2005, the first meeting of the task force was held to discuss the issue of “standing.” Committee Chair Paul Weafer, Board Chairperson Barbara Gaige, and Board members Jason Allen and Michael Whiteman were in attendance. Task force members reviewed research prepared by Government Law Center staff, identifying how twenty-two (22) citizen-police oversight agencies from around the country define “complainant,” and discussed and exchanged different viewpoints on how “standing”/ “complainant” is or should be defined.

Second Quarter

On February 6, 2006, the Task Force held its second meeting to continue its discussion of “standing” to file a complaint and the definition of “complainant.” Task Force Chair Paul Weafer, Board Chairperson Barbara Gaige, and Board member Ronald Flagg were in attendance. Task Force members reviewed research prepared by Government Law Center staff, summarizing the definition of “complainant” and “citizen complaint” as defined by twenty-seven (27) national citizen-police oversight agencies, and “standing to file a complaint” as defined by the Office of Citizen Complaint Review in Washington, D.C., and the Civilian Police Review Authority in Minneapolis, Minnesota.

On March 9, 2006, the Task Force held its third meeting. Specific questions as to how citizen-oversight organizations in New York City and Iowa City define complainant, complaint, and standing were researched, and a memorandum of the Government Law Center’s findings was reviewed by the Board.

Third Quarter

During the third quarter of 2006, the Task Force met with Chief James Tuffey and reached an understanding as to how the standing document should be drafted.

Fourth Quarter

The Task Force drafted the Standing/Complainant document. On September 22, 2006, Chairman Jason Allen and staff of the Government Law Center met with Chief Tuffey to discuss issues or concerns relating to the draft of the Standing/Complainant document. The Task Force and Chief Tuffey agreed to draft a revision of the document which took into account the Chief’s concerns.

At its October 10, 2006 meeting, the Board voted 5-1 in favor to forward the document to Patrick Jordan, Esq., Assistant Corporation Counsel of the City of Albany.

REPORTS

Board Reports

In its sixth year of operation, three (3) quarterly reports were submitted to the Board for approval. Each report detailed the activities of the Board and the Government Law Center during each time period covered. The Third and Fourth Quarterly Report for 2005 and the First Quarterly Report for 2006 were adopted by the Board before the close of the sixth 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 City Code. 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 first quarter of 2006, Chairperson Barbara Gaige received a draft report prepared by the New York Civil Liberties Union - Capital Region Chapter, regarding police encounters with persons with mental illness. Chairperson Gaige was offered an opportunity to review and comment on the report, which addressed, in part, the Board's complaint review process and procedures and ways to provide access to persons with mental illness.

In the first quarter of 2006, the Board also received a copy of the Office of Professional Standards' Third Quarter Report for 2005.

In the third quarter of 2006, the Board received a copy of the Office of Professional Standards' First Quarter Report for 2006.

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 . . ."

NACOLE

The NACOLE (National Association for Civilian Oversight of Law Enforcement) Conference was held in Miami, Florida December 11-14, 2005. Chairperson Barbara Gaige, Board member Marilyn Hammond and Government Law Center Senior Staff Attorney Justina Cintrón Perino were in attendance at the conference.

Lecture

On March 24, 2006, Board Chairperson Barbara Gaige guest presented in an undergraduate course, "Introduction to Policing," at the State University of New York at Albany. Chairperson Gaige had an opportunity to educate students about the mission and purpose of the Board and the process of complaint review in the City of Albany, which included a discussion of the law establishing the Board.

Quarterly Training Schedule

At the close of the third quarter of 2006, the Board continued working with the Government Law Center to develop a training schedule which would include ride-alongs and any other relevant training.

RECOMMENDATION FOR APD TRAINING

At its November 14, 2005 meeting, the Board recommended training for Albany police officers in how to better handle the type of situation presented in Complaint 16-05/OPS No. C05-205. In its review of this complaint involving an incident at one of the Department's patrol stations, the Board expressed concerns about the officers' handling of the complainant.

The Board noted that the complainant, who appeared to be emotional at the time of the events and may have been agitated, was seeking the assistance of the officers. She was not in the station because she had committed a criminal act. Although the Board believed that the officers may have acted in accordance with Department procedure, the Board felt that the incident should not have escalated to the point of an arrest, and that Albany police officers could benefit from training in methods and techniques to better equip themselves to divert and de-escalate these types of situations.

MEETINGS OF THE BOARD

The Board met as a whole ten (10) times for the conduct of business in the sixth year. Except for three (3) meetings held at Albany Law School, 80 New Scotland Avenue, in the Dean Alexander Moot Courtroom (Room 421) in first and third quarters, all other meetings held in the sixth year of operation took place at the Albany Public Library, 161 Washington Avenue, in the Large Auditorium. 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.

The Board met as a whole three (3) times for the conduct of business in the first quarter. Meetings were held on November 14, 2005, December 5, 2005, and January 19, 2006. In the second quarter, three (3) regular monthly meetings were held on February 13, 2006, March 13, 2006, and April 20, 2006. The Board met two (2) times for the conduct of business during the third quarter. Meetings were held on May 18, 2006, and June 13, 2006. In the fourth quarter, the Board met as a whole two (2) times for the conduct of business. Meetings were held on September 14, 2006 and October 10, 2006.

At its May 18, 2006 meeting, the Board voted in favor of changing its monthly meetings from the second Monday to the second Tuesday of every month so as not to conflict with the monthly meetings of the County Legislature. The meeting time remains 6:00 p.m. and meetings will continue to be held at the Albany Public Library located at 161 Washington Avenue.

At its June 13, 2006 meeting, the Board voted in favor of changing its summer meeting schedule from the Board holding its monthly meetings during July and August to the Board not meeting during July and August unless an emergency occurs or if there is a specific need to meet.

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. One lead attorney and two support staff worked collaboratively during this year to prepare, submit, and file the Board's quarterly 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 2006, 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:

- Researched "complainant," "citizen complaint," and "standing" to file a complaint as defined by citizen-police oversight agencies from around the country, including police review board models and police auditor/monitor models; and prepared and forwarded memoranda to the Board summarizing the Center's research and findings.
- Forwarded to the Board an opinion from Assistant Corporation Counsel Patrick Jordan, regarding the CPRB's authority to review the allegations contained in the complaint filed by the Coalition for Accountable Police and Government.
- Forwarded to the Board correspondence from Assistant Police Chief Steven Krokoff regarding a request made by the complainant's attorney for further investigation of CPRB No. 7-05/OPS No. C05-92.
- Forwarded correspondence and new complaint information to the OPS from the complainant who filed CPRB No. 2-05/OPS No. C05-35.
- Received and forwarded to the Board correspondence from Mayor Jennings, suspending the Board's review of CPRB No. 28-05/OPS No. C05-478, CPRB 29-05/OPS No. C05-551 and CPRB 31-05/OPS No. C05-550.
- Drafted and forwarded correspondence to the complainant who filed CPRB No. 28-05/OPS No. C05-478, notifying him of the suspension of his complaint.
- Drafted and forwarded correspondence to the complainants who filed CPRB 29-05/OPS No. C05-551 and CPRB 31-05/OPS No. C05-550, notifying them that their complaints have been suspended.
- Received and forwarded to the Board correspondence from Mayor Jennings, appointing the Honorable Fowler Riddick as a member of the Board.
- Drafted and forwarded correspondence to former Chief Turley, confirming that the

Chief agreed to make a presentation to the Board about the way in which the Albany Police Department collects and records race/ethnicity data of those individuals with whom police officers have contact, and to provide the Board with a sample of the data being collected and recorded.

- Prepared and forwarded to the OPS, a summary of pending complaints before the Board.
- Drafted and forwarded correspondence and a copy of Lauri Stewart's report to all of the mediation meeting participants, including: members of the Board, the Albany Police Department, the City, the police officers' unions, and the community.
- Forwarded to the Board "Police Encounters with Persons with Mental Illness in the Capital District," a report prepared by the New York Civil Liberties Union - Capital Region.
- Prepared and forwarded a revised copy of the CPRB Contact Schedule for Monitor Assignments for the remainder of 2005.
- Prepared and forwarded to the Board a proposed quarterly training schedule for 2006.
- Forwarded to the Board press clippings regarding the Albany CPRB and the Schenectady CPRB.
- Updated the contact information for the organizations listed on the CPRB's complaint form and brochure.
- Began compiling a list of neighborhood/community groups and organizations, and possible venues for accessing complaint forms.
- Met with Albany Law School's Director of Computer Resources regarding development of the CPRB electronic database.

Second Quarter

During the second quarter of 2006, the Government Law Center engaged in the following activities:

- Attended meeting of Corporation Counsel John Reilly, Assistant Corporation Counsel Patrick Jordan, and Chairperson Barbara Gaige on March 9, 2006.
- Charged by and conducted research for the Task Force on Complainant/Standing in the following areas: 1) definition of complainant/complaint and standing to file a complaint; 2) procedure for filing issues of concern (i.e., complaints concerning policy, practice or procedure); 3) companies other than Taser International who manufacture tasers; and 4) the number of complaints filed by witnesses. Research conducted for the first task force meeting was expanded to include a number of new agencies, captured in chart form, and forwarded to task force members. The Center also queried National Association for Civilian Oversight of Law Enforcement

(NACOLE) listserv members, conducted preliminary research, and located one jurisdiction in Tacoma, Washington which has a procedure for policy complaints.

- Charged by and conducted research for the Mediation Committee on: whether the discussions that take place during the mediation and/or any agreements that result from the mediation are confidential; and whether the discussion and/or any agreements that result from the mediation can be used in a legal proceeding – criminal or civil – against any of the parties. New York State statutory and case law was consulted. A memorandum of the Center’s research and findings was forwarded to members of the Committee.
- Conducted research addressing, specifically, how the citizen-oversight agencies in New York City, San Francisco, and Iowa City define complaint, complainant, and standing. A memo was drafted and forwarded to the task force at its March 9, 2006 meeting.
- Drafted correspondence to Assistant Corporation Counsel Patrick Jordan, requesting a written opinion as to the legal requirements and the Board’s responsibilities under state and local law with respect to the conduct of its meetings, including committee and subcommittee meetings.
- Drafted a form for the filing of complaints concerning policy, practice, or procedure for the Board’s review.
- Conducted research on the number of complaints filed with the APD in the first instance and the number of complaints filed with the GLC in the first instance. A summary of the Center’s findings was forwarded to the Task Force.
- On April 25, 2006, members of the Government Law Center staff met with Deputy Mayor Philip Calderone and Corporation Counsel John Reilly to discuss the Center’s contract for services to the CPRB. Also discussed was the Board’s progress regarding its mediation program, the status of the contract with the School of Criminal Justice at SUNY Albany, and printing and web needs for the Board.
- Coordinated and prepared materials for the orientation program for new Board members and scheduled Board member ride-alongs with the Albany Police Department.
- Verified the Board’s contact information for the Information Specialist/Webmaster of the City Web site for inclusion of the Board’s information on the site.
- Fulfilled a FOIL request, preparing and forwarding a full public copy of the APD’s Standard Operating Procedure (SOP) to an individual.
- Prepared memorandum, summarizing monitor assignments for each open and active complaint in the second quarter, and forwarded the memo to the OPS, Assistant Chief Bruno, and members of the CPRB.
- At the Chairperson’s request, prepared a Board member attendance record for 2005.

- Received an updated copy of the CPRB legislation, amending by Local Law 1 of 2004.

Third Quarter

During the third quarter of 2006, the Government Law Center engaged in the following activities:

- Met with Acting Chair Jason Allen, to discuss job description, qualifications and method of job posting for monitors.
- Drafted for the Board, a chart detailing number of complaints filed by witnesses.
- Responded to several requests for legal assistance directed to the Board. Drafted and forwarded reply correspondence, which included information about legal service providers.
- Received and forwarded to the Board, correspondence from Corporation Counsel's office which addressed the Board's request for a written opinion to the legal requirements and the Board's responsibilities under the state and local law with respect to the conduct of its meetings, including committee meetings.
- Prepared and forwarded correspondence about the complaint review process to a member of the public.
- Researched and forwarded to the Board, a memorandum summarizing the Center's findings on best practices in racial profiling studies.
- Forwarded to Assistant Chief Bruno, correspondence from the Board for further investigation of CPRB No. 21-05/OPS No. C05-231.
- Forwarded to the Board, correspondence from complainant responding to the Board's findings of CPRB No. 7-05/OPS No. C05-92.
- Forwarded to the Board, correspondence from complainant regarding CPRB No. 17-06.
- Prepared and forwarded the 2006 NACOLE Conference information to the Board.
- Revised and forwarded the 2006 Monthly Meeting Schedule to the Board.
- Drafted and forwarded correspondence approved by the Board to the Mayor and the President of the Common Council, requesting that they consider candidates to replace those members of the Board who are resigning and/or whose terms are expiring in October 2006.
- Received a copy of the Office of Professional Standard's 2006 First Quarter Report.
- At the request of the Common Council, prepared a Board member attendance record for 2006 and forwarded complaint forms to the Council.

Fourth Quarter

During the fourth quarter of 2006, the Government Law Center engaged in the following activities:

- Attended a meeting on September 22, 2006 with Chief James Tuffey and Chairman Jason Allen to discuss the standing/complainant document.
- Coordinated and prepared materials for the orientation program for new Board members and scheduled Board member ride-alongs with the Albany Police Department.
- Forwarded correspondence to the Board regarding the resignation of Reverend Beresford Bailey effective September 30, 2006.
- Prepared and forwarded correspondence to Mayor Gerald Jennings requesting the appointment of new members to fill the six (6) vacancies left from term expirations and resignations.
- Drafted and forwarded welcome letters to the new Board members.
- Forwarded to the Board correspondence from the Mayor and the Common Council regarding the appointments of Mauri Davis Lewis, Daniel Fitzgerald, James Malatras, John Paneto, Andrew Phelan, Jr. and Anthony Potenza to the Board.
- Forwarded to Board members a survey of National Association for Civilian Oversight of Law Enforcement (NACOLE) members to help NACOLE develop professional standards for the civilian oversight profession and civilian oversight practitioner.
- Government Law Center Senior Staff Attorney Justina Cintrón Perino took an eleven (11) week leave of absence from the Center and the Board effective September 18, 2006. Government Law Center Executive Assistant Sharmaine Moseley assumed primary staffing to the Board until Ms. Perino returned from her leave of absence.
- Drafted and forwarded letters to the City of Albany's public officials announcing Ms. Perino's leave of absence.
- At the Board's request, drafted and forwarded correspondence to Mayor Gerald Jennings and Chief James Tuffey regarding CPRB No. 32-05/OPS No. C05-574.
- Facilitated the return of the Albany Police Department's Standard Operating Procedures (SOP) from former Board members to the Office of Professional Standards (OPS).
- Forwarded minutes to the OPS of the September 2006 meeting of the Board.
- Drafted and forwarded correspondence to Chief Tuffey requesting the APD's final determinations for complaints reviewed by the Board.

- Forwarded correspondence to the Board from Chief Tuffey on the APD's final determinations for complaints reviewed by the Board.
- Updated and maintained the Board's website.
- Drafted and forwarded correspondence regarding Freedom of Information Law (FOIL) requests.
- Prepared memorandum, summarizing monitor assignments for each open and active complaint in the fourth quarter, and forwarded the memo to the OPS, Assistant Chief Bruno, and members of the CPRB.
- Forwarded the monitors protocol to the Board, monitors and Assistant Chief Bruno for comments.
- Forwarded the Board's First Quarterly Report to its members, City of Albany public officials and residents.
- Forwarded to the Board press clippings regarding the Board.

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

- Scheduled and revised the Board's 2006 Monthly Meeting Schedule;
- Scheduled the meeting between Chairman Allen and Chief Tuffey regarding the standing/complainant document;
- 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/task force meetings, and a meeting with the Coalition for Accountable Police and Government (CAPG) members regarding their complaint, including: securing dates, times, and locations for each meeting, and preparing meeting materials;
- Arranged logistics for and coordinated orientation training sessions, including: securing dates, times, and locations for each session, and preparing training materials;
- Arranged for Board member attendance at the 2005 NACOLE Conference, including: registering members for the conference and making hotel and flight reservations;
- 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, task force meetings, and training 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;
- Forwarded complainant survey data forms to SUNY Albany School of Criminal Justice;
- 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 word processing 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 sixth year of operation. In its sixth year, the Board elected new Board officers; proposed and formed the Task Force on Standing/Complainant; began updating its outreach materials and expanding its education and outreach program; participated as a guest lecturer on the mission and purpose of the CPRB; reviewed more than one-half of its active complaints; held ten (10) regular monthly meetings; held eleven (11) Policy Committee meetings; established a new committee structure; attended and participated in new member orientation training sessions; participated in the 2005 NACOLE Conference; and coordinated regular monthly meetings with Chief Tuffey, and the Police Department Policy Review/Recommendations Committee.

After six years of operation, the Board 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 to all.

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
