

# City of Albany

## CITIZENS' POLICE REVIEW BOARD

### **First Quarterly Report February 1, 2009**

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



First Quarterly Report of the City of Albany  
Citizens' Police Review Board

February 1, 2009

**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**

Section 42-340 of Chapter 42, Part 33 of the Albany City Code requires the Government Law Center of Albany Law School to file, on behalf of the Albany Citizens' Police Review Board (CPRB), quarterly reports containing "statistics and summaries of citizen complaints, including a comparison of the CPRB's findings with the final determinations of the [Police] Department." This is the First Quarterly Report so submitted in the year 2009.

## **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**

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. Many of these services are discussed, as appropriate, below.

## **ORGANIZATION OF THE BOARD**

The following members constituted the Board during the first quarter of 2009:

Jason Allen	Marilyn Hammond	Anthony Potenza
Daniel Fitzgerald	John Paneto	Hon. Fowler Riddick**
Ronald Flagg	Andrew Phelan, Jr.	Rev. Edward Smart

*\*\*term expired in October 2008*

During the first quarter, the Board's elected officers were:

Chair	Jason Allen	
Vice-Chair	Hon. Fowler Riddick	<i>*until the end of the first quarter</i>
	Ronald Flagg	<i>*beginning at the end of the first quarter</i>
Secretary	Ronald Flagg	<i>*until the end of the first quarter</i>
	Andrew Phelan, Jr.	<i>*beginning at the end of the first quarter</i>

#### *Nominations and Elections for Board Officers*

At the CPRB's January 8, 2009 meeting, nominations were held for the positions of Chair, Vice-Chair, and Secretary pursuant to the Board's Bylaws (Art. IV, § 1). Jason Allen was nominated for the Chair position, Ronald Flagg was nominated for the Vice-Chair position, and Andrew Phelan, Jr. was nominated for the position of Secretary. The slate was presented, voted on, and approved unanimously at the Board's January 26, 2009 meeting.

#### *Nominations and Elections for Committee/Task Force Chairs*

At the CPRB's January 8, 2008 meeting, nominations and elections were held for the chair and member positions of the Board's committees and task force. The only change made to the committee/task force list was the replacement of Daniel Fitzgerald by Andrew Phelan as chair of the Police Department Liaison Committee. The slate was presented, voted on, and approved unanimously at the Board's January 8, 2008 meeting.

#### *Appointments, Re-appointments, and Resignations*

In December 2008, Mayor Gerald Jennings appointed former Board member Marilyn Hammond as a member of the CPRB to serve a term which will expire on October 26, 2011. She was appointed to fill the seat vacated by Hon. Fowler Riddick. Hon. Fowler Riddick served on the Board from January 2006-January 2009.

In correspondence dated January 9, 2009 to the CPRB, Board member John Paneto announced that he would not seek re-appointment upon the expiration of his term in October 2009.

#### *Committees and Task Force*

The following committees and task force were operational in the first quarter of 2009:

<i>By-Laws and Rules</i>	Jason Allen (Chair)	
	Hon. Fowler Riddick	<i>*until the end of the first quarter</i>

<i>Community Outreach</i>	John Paneto (Chair) *resigned as Co-Chair beginning of quarter Reverend Edward Smart (Co-Chair) Jason Allen ( <i>ex-officio</i> ) Hon. Fowler Riddick *until the end of the first quarter
<i>Complaint Review</i>	Andrew Phelan, Jr. (Chair) Jason Allen Daniel Fitzgerald Ronald Flagg Marilyn Hammond John Paneto Anthony Potenza Hon. Fowler Riddick Reverend Edward Smart
<i>Mediation</i>	Jason Allen (Chair)
<i>Police Department Liaison- Policy Review/ Recommendations</i>	Daniel Fitzgerald (Chair) *until the middle of the first quarter Andrew Phelan, Jr. (Chair) *commenced in the middle of the first quarter Jason Allen ( <i>ex-officio</i> ) Anthony Potenza
<i>Public Official Liaison</i>	Ronald Flagg (Co-Chair) Jason Allen (Co-Chair) Marilyn Hammond Anthony Potenza Andrew Phelan, Jr.
<i>Task Force on Monitors</i>	Jason Allen ( <i>ex-officio</i> )

The following occurred during the first quarter of 2009:

#### **BY-LAWS AND RULES/MEDIATION**

In November 2008, the Board met with Deputy Chief Stephen Reilly, Deputy Mayor Philip Calderone, Police Chief James Tuffey, and members of the Government Law Center to update them on the Board's four (4) initiatives. Acting collaboratively with the APD, the Board established a new procedure for receiving community complaints involving alleged police misconduct. The new procedure was created to ensure that the names of potential complainants who make themselves known to the APD but do not go as far as filling out complaint forms have their names forwarded to the CPRB for outreach. Where someone fails to fill out a complaint form, the Board will now reach out to them to tell them about the Review Board and the

complaint process. The process has been engaged and is working well with great support from the Albany Police Department and Government Law Center. The APD's Early Warning System should be up and running in January 2009. The Board agreed that its Policy Committee Chairman Daniel Fitzgerald should look into what the vision of this tool is for the Board; what support does the Board want to get out of it; and what trends will be reported. The Board's initiative for cameras in police vehicles was falling into place. The financing for audio and video in police vehicles was approved in July and an order was placed. There are two (2) policies of the Albany Police Department's Standard Operating Procedure that are being drafted concerning audio and video and strip searching.

In December 2008, the Board met with the Albany Common Council's Public Safety Committee to discuss its concern with the lack of progress on developing the mediation program. The mediation program is the Board's fourth initiative. The members of the Public Safety Committee agreed to look into this concern.

During the first quarter of 2009, the Board reviewed its complaint scorecards. It was agreed that the Board did not like to see so many cases not reviewed within sixty (60) days. The Board requested that the OPS make sure they get cases within sixty (60) days, as required by the law, or they can make the recommendation that sixty (60) days is not a realistic target. NACOLE has a number of municipalities that have a target of one hundred and twenty (120) days. The OPS agreed to research whether sixty (60) days is manageable and realistic to investigate its cases.

## **COMMUNITY OUTREACH**

At its November 13, 2008 meeting, John Paneto resigned as Chair of the Community Outreach committee. The Board accepted Mr. Paneto's resignation.

In January 2009, the Community Outreach Committee met with the National Association for the Advancement of Colored People (NAACP)'s Executive Committee. The CPRB made some recommendations to the NAACP asking for input from its Board. The meeting was an opportunity for an exchange of very good ideas. The NAACP is interested in many things that the Board is working on.

During the first quarter of 2009, the Board drafted a press release regarding its issue notification process that will be released to the media.

## **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, will be responsible for the presentation of a particular complaint to the Board at its monthly meetings as assigned by the Chair of the Committee. Twenty (20) complaints were presented and reviewed in the first quarter of 2009.

The following Board members were appointed to serve on the Committee on Complaint Review:

November 2008 Jason Allen, John Paneto, Andrew Phelan, Jr., and Anthony Potenza.

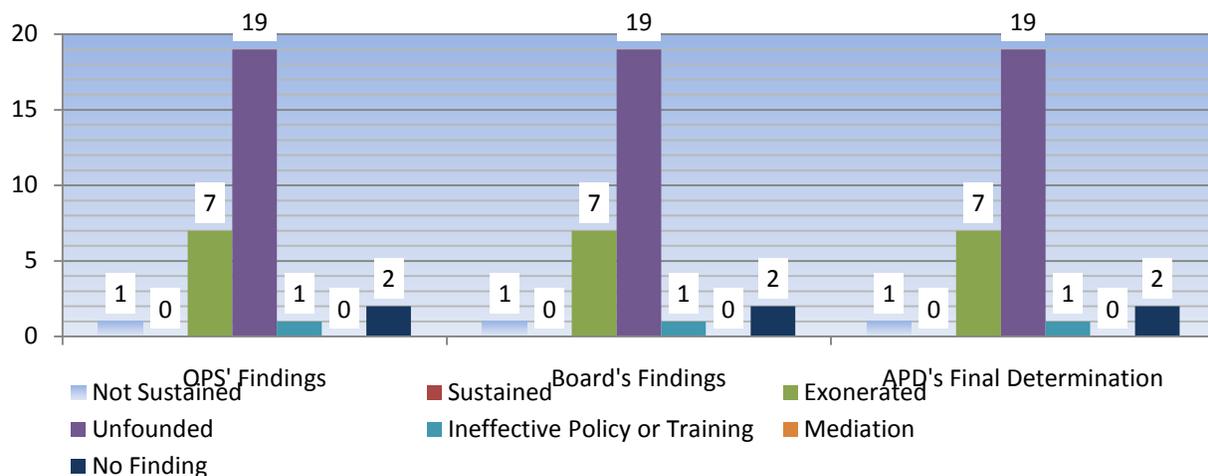
December 2008 Jason Allen, Ronald Flagg, John Paneto, Andrew Phelan, Jr., and Hon. Fowler Riddick.

### COMPLAINT SUMMARIES AND STATISTICS

Section 42-340C of Chapter 42, Part 33 of the Albany City Code charges the Board with providing “statistics and summaries of citizen complaints, including a comparison of [its] findings with the final determinations of the [Police] Department.”

During the first quarter of 2009, the Board received twelve (12) new complaints in addition to its sixty-three (63) active complaints and six (6) suspended complaints. Monitors were appointed to investigate five (5) of the twelve (12) new complaints. Of the seventy-five (75) complaints before the Board, the Board presented twenty (20) complaints for review and rendered findings for the allegation(s) contained in eighteen (18) complaints. These eighteen (18) complaints contained a total of thirty-eight (38) allegations of misconduct.

As to the twenty (20) complaints reviewed, the Board made findings consistent with the preliminary findings of the Office of Professional Standards in eighteen (18) cases. Of the twenty (20) complaints reviewed, the Board was unable to render findings on one (1) complaint and inadvertently failed to vote on the motion before it on one (1) complaint. During the first quarter of 2009, Board action was taken on one (1) complaint. This action included the Board voting unanimously not to accept and review a notice of claim because an official complaint form was not filed with the Board. The case was closed without prejudice.



**Figure 1:** Comparison of Findings Made by the Board, the OPS, and the Albany Police

Department during the First Quarter of 2009.

Figure 1 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. The following is a summary of those complaints:

**CPRB No. 22-05/OPS No. C05-572** [monitor appointed]

Nature of the Allegation(s): Use of Force - officers used excessive force when they kicked the complainant around causing him to suffer a concussion, multiple lacerations, and internal injuries.

OPS Preliminary Finding(s): **Unfounded**

CPRB Finding(s): **Unfounded**

APD Final Determination(s): **Unfounded**

**CPRB No. 29-05/OPS No. C05-551** [monitor appointed]

Nature of the Allegation(s): 1) Call Handling - officers entered the complainant's home without warrant or consent;  
2) Firearms Discharge - officers shot the complainant's dog for no reason; *and*  
3) Call Handling - officers entered the complainant's home without a warrant or consent.

OPS Preliminary Finding(s): 1) **Exonerated** as to the first call handling allegation;  
2) **Exonerated** as to the firearm discharge allegation; *and*  
3) **Exonerated** as to the second call handling allegation.

CPRB Finding(s): 1) **Exonerated** as to the first call handling allegation;  
2) **Exonerated** as to the allegation of firearm discharge; *and*  
3) **Exonerated** as to the second call handling allegation.

APD Final Determination(s): 1) **Exonerated** as to the first call handling allegation;  
2) **Exonerated** as to the allegation of fire arm discharge; *and*

3) **Exonerated** as to the second call handling allegation.

**CPRB No. 31-05/OPS No. C05-550** [monitor appointed]

Nature of the Allegation(s): Use of Force - officer dragged the complainant down the street, refused the complainant's request to be handcuffed in front, and kicked the complainant repeatedly.

OPS Preliminary Finding(s): **Not Sustained**

CPRB Finding (s): **Not Sustained**

APD Final Determination(s): **Not Sustained**

**CPRB No. 33-05/OPS No. C08-469** [monitor appointed]

Nature of the Allegation(s): Firearms Discharge - officers shot the complainant's dog for no reason and placed the complainant's children in danger.

OPS Preliminary Finding(s): **Exonerated**

CPRB Finding(s): **Exonerated**

APD Final Determination(s): **Exonerated**

**CPRB No. 4-08/OPS No. C08-61** [monitor appointed]

Nature of the Allegation(s): Arrest Authority & Procedures - the complainant was placed in the wagon with his hands cuffed behind him, and he was not properly restrained.

OPS Preliminary Finding(s): **Ineffective Policy or Training**

CPRB Finding(s): **Ineffective Policy or Training**

APD Final Determination(s): **Ineffective Policy or Training**

**CPRB No. 9-08/OPS No. C08-142** [monitor appointed]

Nature of the Allegation(s): 1) Call Handling - an officer took the complainant's license and said it was not valid;

2) Call Handling - both complainants were taken out of their vehicle;

3) Conduct Standards - officers lied to the complainants just to search them;

4) Conduct Standards - two officers searched the complainant's vehicle, specifically, the glove compartment and center console; *and*

5) Conduct Standards - an officer called complainant #2 a "well-known crack prostitute."

OPS Preliminary Finding(s): 1) **Unfounded** as to the first call handling allegation;

2) **Exonerated** as to the second call handling allegation;

3) **Unfounded** as to the first conduct standards allegation;

4) **Unfounded** as to the second conduct standards allegation; *and*

5) **Unfounded** as to the third conduct standards allegation.

CPRB Finding(s):

1) **Unfounded** as to the first call handling allegation;

2) **Exonerated** as to the second call handling allegation;

3) **Unfounded** as to the first conduct standards allegation;

4) **Unfounded** as to the second conduct standards allegation; *and*

5) **Unfounded** as to the third conduct standards allegation.

APD Final Determination(s): 1) **Unfounded** as to the first call handling allegation;

2) **Exonerated** as to the second call handling allegation;

3) **Unfounded** as to the first conduct standards allegation;

4) **Unfounded** as to the second conduct standards allegation; *and*

5) **Unfounded** as to the third conduct standards allegation.

**CPRB No. 15-08/OPS No. C08-173** [no monitor appointed]

Nature of the Allegation(s): Conduct Standards - the detective perjured himself on the stand during testimony.

OPS Preliminary Finding(s): **Unfounded**

CPRB Finding(s): **Unfounded**

APD Final Determination(s): **Unfounded**

**CPRB No. 16-08/OPS No. C08-327** [monitor appointed]

Nature of the Allegation(s):

- 1) Conduct Standards - an off-duty officer pulled along the left side of the complainant's vehicle, laid on the horn, and then cut the complainant off to pass her;
- 2) Conduct Standards - the off-duty officer applied his brakes while the complainant was directly behind him;
- 3) Conduct Standards - the off-duty officer was driving erratically, refusing to let the complainant pass him;
- 4) Conduct Standards - the off-duty officer flashed a metallic object and then swore at the complainant to "Pull the f\* over!";
- 5) Call Handling - the off-duty officer told the complainant that she was lucky that he wasted his day off or he would have to have her car towed, and she would be going to police court; *and*
- 6) Conduct Standards - the officer referred to the complainant as Mario Andretti.

OPS Preliminary Finding(s):

- 1) **Unfounded** as to the first conduct standards allegation;
- 2) **Not Sustained** as to the second conduct standards allegation;
- 3) **Not Sustained** as to the third conduct standards allegation;
- 4) **Not Sustained** as to the fourth conduct standards allegation;
- 5) **Sustained** as to the call handling allegation; *and*
- 6) **Sustained** as to the last conduct standards allegation.

CPRB Finding(s):

- 1) At its January 26, 2009 meeting, the Board was unable to render a finding by a majority vote as required by §42-344 of the City Code. The motion to concur with the OPS preliminary finding failed by a vote of 4-3;

2) At its January 26, 2009 meeting, the Board was unable to render a finding by a majority vote as required by §42-344 of the City Code. The motion to concur with the OPS preliminary finding failed by a vote of 4-3;

3) At its January 26, 2009 meeting, the Board was unable to render a finding by a majority vote as required by §42-344 of the City Code. The motion to concur with the OPS preliminary finding failed by a vote of 4-3;

4) At its January 26, 2009 meeting, the Board was unable to render a finding by a majority vote as required by §42-344 of the City Code. The motion to concur with the OPS preliminary finding failed by a vote of 2-5;

5) **Sustained** as to the call handling allegation; *and*

6) **Sustained** as to the last conduct standards allegation.

CPRB Action(s) At its January 26, 2009 meeting, the Board agreed to send a letter to Chief James Tuffey expressing its concerns and recommendations regarding the stop.

**CPRB No. 17-08/OPS No. C08-247** [monitor appointed]

Nature of the Allegation(s): Conduct Standards - the complainant's original complaint was handled improperly because she was not made aware that information such as pictures and doctor's reports should have been included.

OPS Preliminary Finding(s): **Unfounded**

CPRB Finding(s): **Unfounded**

APD Final Determination(s): **Unfounded**

**CPRB No. 19-08/OPS No. C08-236** [no monitor appointed]

Nature of the Allegation(s): Conduct Standards - an officer gave the complainant a parking ticket for no reason because the complainant refused to answer questions while the complainant was pulled over on the side of the road.

OPS Preliminary Finding(s): **Exonerated**

CPRB Finding(s): **Exonerated**

APD Final Determination(s): **Exonerated**

**CPRB No. 21-08/OPS No. C08-241** [no monitor appointed]

Nature of the Allegation(s): Call Handling - officers investigated a case improperly and was biased against the complainant.

OPS Preliminary Finding(s): **Unfounded**

CPRB Finding(s): **Unfounded**

APD Final Determination(s): **Unfounded**

**CPRB No. 25-08/OPS No. C08-239<sup>1</sup>** [monitor appointed]

Nature of the Allegation(s): 1) Use of Force - an officer punched the complainant's boyfriend in the face;

2) Use of Force - the officers dragged the complainant's boyfriend down the stairs after he was handcuffed;

3) Conduct Standards - an officer at the hospital called the complainant the N-word;

4) Conduct Standards - an officer punched the complainant in the face after he was handcuffed;

5) Conduct Standards - the officer kicked the complainant in the face during the arrest; *and*

6) Use of Force - the officers beat the complainant while at the station.

OPS Preliminary Finding(s): 1) **Unfounded** as to the first use of force allegation;

2) **Exonerated** as to the second use of force allegation;

3) **Unfounded** as to the first conduct standards allegation;

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<sup>1</sup> At its January 8, 2009 meeting, the Board thoroughly reviewed the complaint, but inadvertently failed to vote on the motions that were presented before it.

- 4) **Unfounded** as to the second conduct standards allegation;
- 5) **Unfounded** as to the third conduct standards allegation; *and*
- 6) **Not Sustained** as to the third use of force allegation.

**CPRB No. 29-08/OPS No. C08-298** [monitor appointed]

Nature of the Allegation(s): 1) Use of Force - officers punched the complainant's boyfriend in the face while he was handcuffed; *and*

2) Use of Force - officers dragged the complainant's boyfriend down the stairs after being handcuffed.

OPS Preliminary Finding(s): 1) **Unfounded** as to the first use of force allegation; *and*

2) **Unfounded** as to the second use of force allegation.

CPRB Finding(s): 1) **Unfounded** as to the first use of force allegation; *and*

2) **Unfounded** as to the second use of force allegation.

APD Final Determination(s): 1) **Unfounded** as to the first use of force allegation; *and*

2) **Unfounded** as to the second use of force allegation.

**CPRB No. 30-08/OPS No. C08-308** [no monitor appointed]

Nature of the Allegation(s): Call Handling - officers wrongfully gave the complainant traffic tickets.

OPS Preliminary Finding(s): **Unfounded**

CPRB Finding(s): **Unfounded**

APD Final Determination(s): **Unfounded**

**CPRB No. 31-08/OPS No. C08-320** [monitor appointed]

Nature of the Allegation(s): Use of Force - an officer placed the complainant in handcuffs, the complainant told the officer "they were too tight," and the officer told him to "shut up" and then pushed the complainant in the back with a force so hard that he rammed his head into a wall.

OPS Preliminary Finding(s): **Exonerated**

CPRB Finding(s): **Exonerated**

APD Final Determination(s): **Exonerated**

**CPRB No. 32-08/OPS No. C08-330** [monitor appointed]

Nature of the Allegation(s): 1) Conduct Standards - an officer unfairly treated the complainant by giving him tickets; *and*

2) Call Handling - complainant felt that he was provoked and harassed by the officer.

OPS Preliminary Finding(s): 1) **Unfounded** as to the conduct standards allegation; *and*

2) **Unfounded** as to the call handling allegation.

CPRB Finding(s): 1) **Unfounded** as to the conduct standards allegation; *and*

2) **Unfounded** as to the call handling allegation.

APD Final Determination(s): 1) **Unfounded** as to the conduct standards allegation; *and*

2) **Unfounded** as to the call handling allegation.

**CPRB No. 33-08/OPS No. C08 -319** [no monitor appointed]

Nature of the Allegation(s): Call Handling - officers refused to respond to a complaint of assault and public littering.

OPS Preliminary Finding(s): **No Finding**

CPRB Finding(s): **No Finding**

APD Final Determination(s): **No Finding**

**CPRB No. 34-08/OPS No. C08-331** [no monitor appointed]

Nature of the Allegation(s): Conduct Standards - the complainant noticed an Albany police officer running her plate down the street from her house, and complainant stated that about a week later, she noticed several unmarked vehicles following her.

OPS Preliminary Finding(s): **No Finding**

CPRB Finding(s): **No Finding**

APD Final Determination(s): **No Finding**

**CPRB No. 36-08/OPS No. C08-278** [monitor appointed]

Nature of the Allegation(s):

- 1) Use of Force - an officer kicked the complainant while officers were struggling with him;
- 2) Use of Force - the complainant was tased multiple times during the course of his arrest;
- 3) Use of Force - the complainant's wife stated that he was struck on the head with a "nightstick" by one of the officers;
- 4) Conduct Standards - the officers refused to give first aid to the complainant until his wife threatened to file a complaint; *and*
- 5) Conduct Standards - the officers pulled their guns on the complainant's wife when she tried to get the officers to leave the complainant alone.

OPS Preliminary Finding(s):

- 1) **Unfounded** as to the first use of force allegation;
- 2) **Unfounded** as to the second use of force allegation;
- 3) **Unfounded** as to the third use of force allegation;
- 4) **Unfounded** as to the first conduct standards allegation; *and*
- 5) **Unfounded** as to the second conduct standards allegation.

CPRB Finding(s):

- 1) **Unfounded** as to the first use of force allegation;
- 2) **Unfounded** as to the second use of force allegation;
- 3) **Unfounded** as to the third use of force allegation;
- 4) **Unfounded** as to the first conduct standards allegation; *and*
- 5) **Unfounded** as to the second conduct standards allegation.

APD Final Determination(s):

- 1) **Unfounded** as to the first use of force allegation;
- 2) **Unfounded** as to the second use of force allegation;

- 3) **Unfounded** as to the third use of force allegation;
- 4) **Unfounded** as to the first conduct standards allegation; *and*
- 5) **Unfounded** as to the second conduct standards allegation.

**CPRB No. 52-08/OPS No. C08-469** [no monitor appointed]

Nature of the Allegation(s): Call Handling - the complainant filed a complaint with the Albany Police Department regarding an incident that occurred on June 24, 2008 outside of a hotel on 125<sup>th</sup> Street and Park Avenue in New York City.

OPS Preliminary Finding(s): **Unfounded**

CPRB Finding(s): **Unfounded**

APD Final Determination(s): **Unfounded**

#### **DEFINITION OF CPRB FINDINGS**

Section 42-344A of Chapter 42, Part 33 of the Albany City Code charges the Board with, after review and deliberation of an investigation, shall, by majority vote, make one of the following findings on the case:

(1) *Sustained* – where the review discloses sufficient facts to prove the allegations made in the complaint.

(2) *Not Sustained* – where the review fails to disclose sufficient facts to prove or disprove the allegation made in the complaint.

(3) *Exonerated* – where the acts which provide the basis for the complaint occurred, but the review shows that such acts were proper.

(4) *Unfounded* – where the review shows that the act or acts complained [of] did not occur or were misconstrued.

(5) *Ineffective Policy or Training* – where the matter does not involve guilt or lack thereof, but rather ineffective departmental policy or training to address the situation.

(6) *No Finding* – where, for example, the complaint failed to produce information to further the investigation; or where the investigation revealed that another agency was responsible and the complaint or complainant has been referred to that agency; or where the complainant withdrew

the complaint; or where the complainant is unavailable to clarify the complaint; or where the officer is no longer employed by the City.

(7) *Mediation* – where the complaint is resolved by mediation.

#### **POLICE DEPARTMENT LIAISON - POLICY REVIEW/RECOMMENDATIONS**

The Board continued working with the APD on the video installation of cameras and audio in police vehicles and the early warning system. The financing for the cameras and audio for the police vehicles was approved in July of 2009, and an order was placed. The APD is drafting the standard operating procedures for the cameras, audio, and strip searching. The Board continued its discussions with the APD about the APD's Early Warning System and is looking forward to seeing how the system would work for the Board.

On January 28, 2009, Chair of the Police Department Liaison/Police Review Committee Andrew Phelan, Jr., participated in a demonstration of the APD's new Early Warning System.

#### **TASK FORCE ON MONITORS**

During the first quarter of 2009, the Board discussed with Deputy Chief Stephen Reilly the monitor protocol. They agreed to get the monitors involved earlier in the investigative process.

#### **MEETINGS**

The Board met as a whole three times for the conduct of business during the first quarter. Meetings were held on November 13, 2008, January 8, 2009, and January 26, 2009. Two of the three meetings were held at the Albany Public Library, 161 Washington Avenue, in the Large Auditorium. The third meeting was held at Albany Law School, 80 New Scotland Avenue, in the Dean Alexander Moot Courtroom (Room 421). There was a public comment period at each meeting.

The Board meets on the second Thursday of every month so as not to conflict with the monthly meetings of the County Legislature, and to encourage media and public participation at its meetings. The January 26, 2009 meeting was scheduled because of the backlog in cases that needed to be reviewed by the Board.

#### **TRAINING**

Section 42-339 of Chapter 42, Part 33 of the Albany City Code requires that “the Government Law Center . . . provide, to CPRB members, and the members . . . undergo continuing education . . .”

## New Member Orientation

During the first quarter of 2009, Board member Marilyn Hammond attended and participated in the Board's orientation program which consisted of two (2) sessions. The first session of the orientation program was coordinated and facilitated by the Government Law Center to educate the new member 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; 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 session of the orientation program was coordinated and facilitated by the Albany Police Department's Office of Professional Standards to comprise of training to educate Ms. Hammond on the APD's organization and operation.

## **OTHER**

On November 12, 2008, Board member Andrew Phelan, Jr. and GLC Coordinator of the Board Sharmaine Moseley participated in an American Bar Association tele-conference on Police Liability and the Use of Force.

## **GOVERNMENT LAW CENTER**

During the first quarter of 2009, 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:

- Arranged logistics for and participated in a conference call between Board Chairman Jason Allen, Deputy Chief Stephen Reilly, and OPS Detective Kathy Hendrick regarding the monitors' protocol and the Board's four (4) initiatives.
- Arranged logistics for and participated in an American Bar Association teleconference on Police Liability and Use of Force.
- Arranged logistics for Board participation in a demonstration of the APD's new Early Warning System.
- Arranged logistics for and participated in discussions with members of the Board, Alison Redlick from the School of Criminal Justice, Robert Worden from the FINN Institute, City officials, and Chief Tuffey regarding the CPRB evaluations/surveys.
- Finalized the order of business cards for the Board.
- Drafted and forwarded correspondence to Chief James Tuffey regarding CPRB No. 16-08/OPS No. C08-327.

- Forwarded to the Board correspondence received from Chief James Tuffey regarding CPRB No. 22-07/OPS No. C07-590 and CPRB No. 8-08/OPS No. C08-138.
- Drafted and forwarded correspondence to Chief Tuffey requesting the APD's final determinations for complaints reviewed by the Board.
- Drafted and forwarded correspondence to the Mayor and the Common Council regarding the vacancies on the Board.
- Drafted and forwarded correspondence to the NAACP about the percentage of complaints sustained by OPS and CPRB.
- Forwarded correspondence to the Board from Chief Tuffey on the APD's final determinations for complaints reviewed by the Board.
- Drafted and forwarded correspondence to the City regarding Freedom of Information Law (FOIL) requests.
- Drafted and forwarded press release to the media regarding its enhanced complaint procedure.
- Drafted and forwarded correspondence to the Albany Law Career Center in regard to the student work study positions available with the CPRB.
- Interviewed and hired two student interns to assist with the CPRB database, quarterly reports and minutes.
- Drafted and forwarded correspondence to the Board regarding Monitor Theresa Balfe's request for a temporary leave of absence.
- Contacted Board members and rescheduled meeting for December due to the weather.
- Prepared memorandum summarizing monitor assignments for each open and active complaint in the first quarter, and forwarded the memo to the OPS, Assistant Chief Bruno, and members of the CPRB.
- Forwarded the updated database scorecard to the OPS and members of the Board.
- Forwarded to the Board press clippings regarding the Albany CPRB.
- Continued the development of the CPRB electronic database.

In addition, the Center performed the following administrative tasks:

- Arranged logistics for and coordinated three (3) regular monthly meetings and three (3) committee/task force meetings, including: securing dates, times, and locations for each meeting, and providing notice to the affected parties and to the public;
- Attended three (3) regular monthly meetings;
- 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;
- 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;
- Conducted a monthly accounting and inventory of complaints filed with the Board, including a summary of active, suspended, and closed complaints, recommendations, and pending requests submitted to the Chief of Police, the Office of Professional Standards, and the Corporation Counsel's Office;
- Reported monthly complaint accounting and inventory to the Board at each of its first quarter meetings;
- Assisted with typing and forwarding the Board's requests and recommendations to 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;
- Forwarded complainant related correspondence to Board members;
- Updated and maintained the Board's website to include new meeting minutes, new Board members and the new meeting schedule;

- Maintained regular communications with Board members, the Police Department, and the Corporation Counsel's Office; *and*,
- Answered inquiries from the community and the media about the Board and the complaint review process.

## CONCLUSION

The Board had an active first quarter, which included: holding three (3) regular monthly meetings; three (3) committee/task force meetings; and reviewing twenty (20) complaints. In addition, the Board established a new procedure for receiving community complaints involving alleged police misconduct. The new procedure was created to ensure that the names of potential complainants who make themselves known to the APD but do not go as far as filling out complaint forms are forwarded to the CPRB for outreach.

Respectfully submitted,

Government Law Center of Albany Law School  
Approved by and submitted on behalf of the  
City of Albany Citizens' Police Review Board

Dated: February 1, 2009

