

Albany Citizen's Police Review Board

Summary of Complaint Committee Meeting 3/29/2001
Albany Law School
Government Law Center Conference Room

Present: Manuel Alguero, Kenneth Cox, Morris Eson, Herman Thomas and Eleanor Thompson.

The meeting began at approximately 6:00pm.

Morris Eson and Manuel Alguero gave a summary of the Complaint Committee's meeting with Commander Paula Breen regarding proposed revisions to the Civilian Complaint Form. Morris said that the committee members discussed the comments and recommendations from the public meeting with Commander Breen and suggested several changes to the complaint form.

According to Morris, Commander Breen agreed, during the meeting, to delete the paragraph that requires a complainant to swear under penalty of perjury or prosecution that the statements made are true. In addition, she agreed to remove the notary box from the complaint form and include in the cover letter that a complainant wishing to file his or her complaint by mail have the complaint notarized.

Morris explained that although the committee made a recommendation to include the categories box on the form, there was issue with who should mark the classification of the complaint. According to Morris, the manner in which the box appears on the complaint form was not agreed upon by the complaint form committee. Morris asserted that it is his position that the box should be filled out by the complainant not the Police Department.

Morris noted that there were several other minor changes that were suggested, some of which were made and others of which did not appear to have been changed on the revised form. For example, he noted that the complaint committee suggested that the form be called the "Citizens' Complaint Form (formerly known as the "Civilian Complaint Form)," but commented that the revised form did not reflect this recommended change.

Morris stated that it was his position that the complaint form not be approved by the board until further consultation with the Police Department and all the members of the CPRB.

Morris consulted with Michael Whiteman via telephone during the meeting and asked what his position on approval of the form was. Michael recommended that the form not be approved without further deliberation. Ken, Herman and Manuel agreed.

Manual commented that the complaint form should be approved by the CPRB and that the revised form does not encompass the recommendations of the complaint form committee and therefore, should not be approved.

Ken suggested that Morris summarize the complaint committee's meeting with Commander Breen at the meeting of the Board on April 2nd. Ken recommended that Morris discuss the complaint form as it existed at the March 14th meeting and the revised complaint form.

Morris agreed to summarize the two versions of the form. He also explained that at the time of the complaint form committee's meeting with Commander Breen, the committee had not seen the minutes from the March 14th meeting. He again explained that although the committee met with Commander Breen in an effort to resolve some of the public's issues with the complaint form, the complaint form requires further deliberations between the Board and the Police Department.

Morris explained that, in light of the fact that the revised form does not encompass all of the recommendations that complaint form committee made to the Commander Breen, he will motion that the Board not approve the form. Ken, Herman, Manuel and Eleanor all agreed to support the motion.

Morris commented that a critical issue the committee has with the form is the classification box which reads, "For Official Use Only." Morris explained that Commander Breen to the position that the Police Department make this classification after reading the narrative of the form. However, Morris commented that, based upon Mark Mischler's comments at the March 14th meeting, it is critical that the complainant classify the nature of the complaint so that a monitor can be appointed and the Board can be involved in the investigation. He explained that the Board needs to take a strong position on this issue in an effort to address the public concern and provide for the presence of the Board in the review process. Ken, Herman, Manuel and Eleanor agreed.

Ken commented that, based upon the report of the complaint committee, the Board needs to take a unified stand on this issue and supports postponing approval of the complaint form until further deliberation.

Morris suggested that the Complaint Committee be enlarged to properly address the issue of revising the form. Morris recommended that Michael Whiteman be asked to serve on the complaint form committee because of his sensitivity to the law and the process.

Ken agreed stating that the complaint committee needs additional support in its efforts to make revisions to the complaint form that are acceptable to the Board, the Police Department, the public and other interested parties. He offered to volunteer to serve and will seek the participation of Michael Whiteman.

Morris recommended that the by-laws be discussed first at the April 2nd meeting because the recommended revisions would require less discussion than the complaint form. All agreed.

The meeting adjourned at approximately 6:50 pm.