

City of Albany

CITIZENS' POLICE REVIEW BOARD

Third Quarterly Report August 1, 2010

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



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

August 1, 2010

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 Third Quarterly Report so submitted in the year 2010.

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 third quarter of 2010:

Jason Allen	Marilyn Hammond	Rev. Edward Smart
Ronald Flagg	Andrew Phelan, Jr.	Akosua Yeboah
Jean Gannon	Anthony Potenza	

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

Chair	Jason Allen
Vice-Chair	Reverend Edward Smart
Secretary	Andrew Phelan, Jr.

Appointments, Re-appointments, and Resignations

In correspondence dated August 8, 2010 to the CPRB, Board member Jean Gannon announced her resignation from the Board effective immediately. Ms. Gannon was a Common Council appointee and her term was set to expire on October 26, 2012.

During the third quarter of 2010, the Board had one (1) vacancy to be filled by City of Albany Mayor Gerald Jennings and one (1) vacancy to be filled by the Albany Common Council.

In July 2010, the Government Law Center sent a letter to the Mayor and Common Council requesting that the Mayor and Common Council fill the vacancy left by Daniel Fitzgerald and the upcoming vacancy which would be left by Ronald Flagg. Mr. Flagg's first three (3) year term on the Albany Citizens' Police Review Board began on October 18, 2004. On October 26, 2007, he was re-appointed to serve a second three (3) year term which will expire on October 26, 2010. Since Mr. Flagg has served two consecutive terms with the Board, he is not eligible for re-appointment at this time.

Committees and Task Force

The following committees and task force were operational in the third quarter of 2010:

<i>By-Laws and Rules</i>	Jason Allen (Chair)
<i>Community Outreach</i>	Reverend Edward Smart (Co-Chair) Jason Allen (<i>ex-officio</i>) Akosua Yeboah
<i>Complaint Review</i>	Andrew Phelan, Jr. (Chair) Jason Allen Ronald Flagg Jean Gannon Marilyn Hammond Anthony Potenza Reverend Edward Smart Akosua Yeboah
<i>Mediation</i>	Jason Allen (Chair)

*Police Department Liaison-
Policy Review/
Recommendations* Andrew Phelan, Jr. (Chair)
Jason Allen (*ex-officio*)
Anthony Potenza

Public Official Liaison Ronald Flagg (Co-Chair)
Jason Allen (Co-Chair)
Marilyn Hammond
Andrew Phelan, Jr.
Anthony Potenza
Akosua Yeboah

Task Force on Monitors Jason Allen (*ex-officio*)

The following occurred during the third quarter of 2010:

BY-LAWS AND RULES/MEDIATION

During the third quarter of 2010, the Board discussed the status of the mediation program with members of the Albany Common Council's Public Safety Committee. The Board also discussed a proposal that was before the Common Council which would require that the police department put an officer's complaint history on any new complaints filed. The Board informed the Public Safety Committee of the status of the APD's Early Warning System. The members of the Public Safety Committee agreed to table the proposal pending implementation of the APD's Early Warning System.

On June 14, 2010 and July 28, 2010, the Board engaged in further discussions with the APD command staff and Union representatives regarding the mediation protocol. Board Counsel Patrick Jordan agreed to reformat the protocol based on feedback from the Union and the Board.

COMMUNITY OUTREACH

During the third quarter of 2010, the Outreach Committee continued reaching out to neighborhood associations who are might be interested in having the Board conduct a presentation at its meetings.

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. Seventeen (17) complaints were presented and reviewed in the third quarter of 2010.

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

May 2010*	Marilyn Hammond, Andrew Phelan Jr., and Reverend Edward Smart.
June 2010	Jason Allen, Marilyn Hammond, Andrew Phelan, Jr., Reverend Edward Smart, and Akosua Yeboah.

*The Board did not meet in April; therefore, Board members were not assigned to serve for complaint review. The Board members listed for May 2010 are those who reviewed complaints during that meeting.

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 third quarter of 2010, the Board received thirteen (13) new complaints in addition to its seventy-four (74) active complaints and eleven (11) suspended complaints. Monitors were appointed to investigate five (5) of the thirteen (13) new complaints. Of the eighty-seven (87) complaints before the Board, the Board presented seventeen (17) complaints for review and rendered findings for the allegation(s) contained in sixteen (16) complaints. These sixteen (16) complaints contained a total of thirty-four (34) allegations of misconduct.

Of the seventeen (17) complaints reviewed, Board action was taken on three (3) complaints. These actions included: the Board voting unanimously to table rendering its findings and requesting that the OPS conduct a more thorough and complete investigation of one (1) complaint; the Board voting unanimously to write a letter to the complainant explaining the Board’s findings and providing an explanation of the findings; the Board voting unanimously to write a letter to the APD Police Chief regarding strip search standard operating procedure and training. Of the sixteen (16) complaints where findings were rendered, the Board made findings consistent with the preliminary findings of the Office of Professional Standards and the Albany Police Department in all sixteen (16) cases.

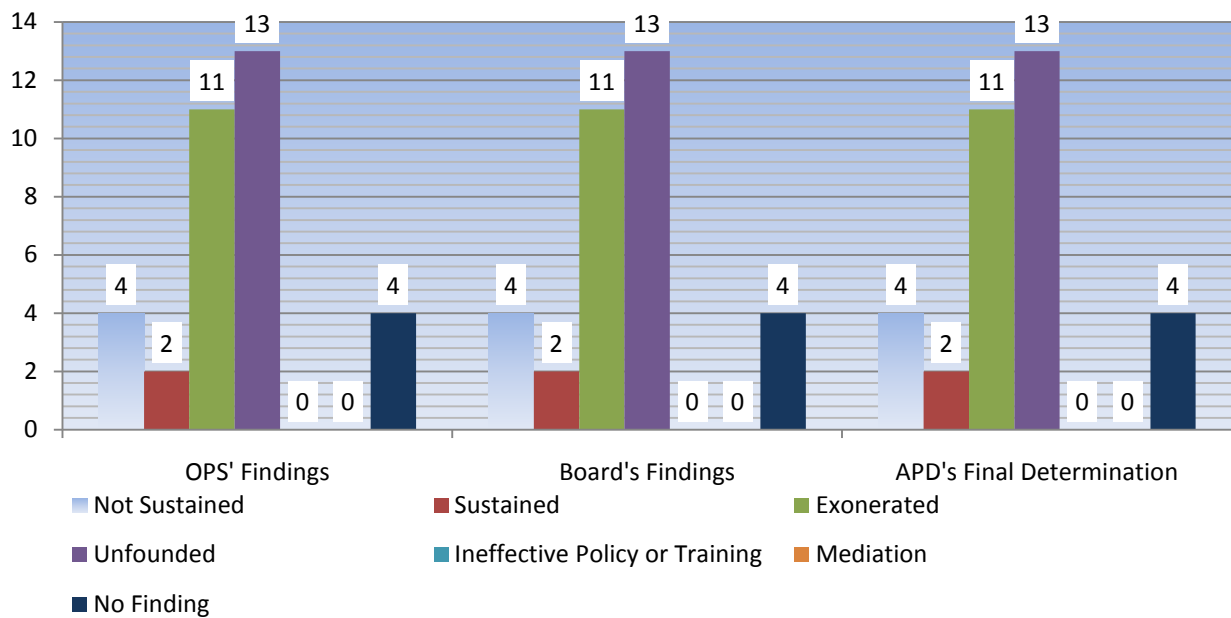


Figure 1: Comparison of Findings Made by the Board, the OPS, and the Albany Police Department during the Third Quarter of 2010.

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. 42-08/OPS No. C08-385 [monitor appointed]

Nature of the Allegation(s): Call Handling - an officer grabbed the complainant’s hands and searched her. When the complainant asked why she was being searched, the officer told her there was a call saying they had guns and knives. The complainant was the only one searched, and there were other people present.

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

CPRB Finding(s): **Exonerated**

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

CPRB No. 70-08/OPS No. C08-672 [monitor appointed]

Nature of the Allegation(s): Conduct Standards - a Sergeant refused to let the complainant's daughter use the bathroom after she had been arrested for assault, even though he let another person use the bathroom. The Sergeant continued to refuse the request even after the daughter told him that she had a bladder problem.

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

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

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

CPRB No. 9-09/OPS No. CC2009-010 [no monitor appointed]

Nature of the Allegation(s): Conduct Standards - an officer made false statements and perjured himself while testifying in open court regarding an incident in which the complainant's tree fell onto the officer's property, landing on the roof of his shed.

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

CPRB Finding(s): **Unfounded**

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

CPRB No. 15-09/OPS No. CC2009-027 [monitor appointed]

Nature of the Allegation(s):

- 1) Conduct Standards - officers asked the complainant to leave and the complainant stated that he would not bring his children back to an unsafe place;
- 2) Use of Force - officers forced the complainant into handcuffs displacing his right shoulder in the process;
- 3) Arrest Authority & Procedures - officers placed the complainant's son in handcuffs; *and*
- 4) Arrest Authority & Procedures - the Police Chief ordered the complainant's family to be released.

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

- 2) **Unfounded** as to the use of force allegation;
- 3) **Exonerated** as to the first arrest authority & procedures allegation; *and*
- 4) **Unfounded** as to the second arrest authority & procedures allegation.

CPRB Finding(s):

- 1) **Exonerated** as to the conduct standards allegation;
- 2) **Unfounded** as to the use of force allegation;
- 3) **Exonerated** as to the first arrest authority & procedures allegation; *and*
- 4) **Unfounded** as to the second arrest authority & procedures allegation.

CPRB Action(s):

At its June 24, 2010 meeting, the Board voted unanimously to send a letter to the complainant stating that he was not arrested, and the CPRB reviewed the case and agreed with the conduct and the disposition of the case with the APD. The letter also would inform the complainant that even though an officer was injured, he was not charged with any misconduct, and as a result, he did not have a criminal record.

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

- 2) **Unfounded** as to the use of force allegation;
- 3) **Exonerated** as to the first arrest authority & procedures allegation; *and*
- 4) **Unfounded** as to the second arrest authority & procedures allegation.

CPRB No. 19-09/OPS No. CC2009-031 [monitor appointed]

Nature of the Allegation(s):

- 1) Conduct Standards - an officer kept the complainant's item valued at \$5.29;
- 2) Conduct Standards - an officer rudely raised his voice at the complainant;

- 3) Conduct Standards - an officer threatened to arrest the complainant; *and*
- 4) Call Handling - the supervisor failed to properly handle the complaint.

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

- 2) **Exonerated** as to the second conduct standards allegation;
- 3) **Exonerated** as to the third conduct standards allegation; *and*
- 4) **Sustained** as to the call handling allegation.

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

- 2) **Exonerated** as to the second conduct standards allegation;
- 3) **Exonerated** as to the third conduct standards allegation; *and*
- 4) **Sustained** as to the call handling allegation.

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

- 2) **Exonerated** as to the second conduct standards allegation;
- 3) **Exonerated** as to the third conduct standards allegation; *and*
- 4) **Sustained** as to the call handling allegation.

CPRB No. 22-09/OPS No. CC2009-060 [monitor appointed]

Nature of the Allegation(s): Use of Force - an officer injured the complainant by using unnecessary force by slamming the complainant on the right side of his body; causing a cut on the complainant's right knuckle, right shoulder blade and pain to his upper spine and back.

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

CPRB Finding(s): **Unfounded**

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

CPRB No. 27-09/OPS No. CC2009-046 [no monitor appointed]

Nature of the Allegation(s): Call Handling - officers harassed the complainant.

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

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

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

CPRB No. 28-09/OPS No. CC2009-045 [monitor appointed]

Nature of the Allegation(s): 1) Call Handling - an officer searched the complainant without probable cause and no legal authority to do so; *and*

2) Conduct Standards - an officer cut the complainant's boxer shorts to obtain crack cocaine.

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

2) **Exonerated** as to the conduct standards allegation.

CPRB Finding(s): 1) **Exonerated** as to the call handling allegation; *and*

2) **Exonerated** as to the conduct standards allegation.

CPRB Action(s): At its June 24, 2010 meeting, the Board voted unanimously to send a letter to the Police Chief regarding the training officers are given for conducting searches and the target officer's use of a knife in obtaining evidence from the complainant.

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

2) **Exonerated** as to the conduct standards allegation.

CPRB No. 29-09/OPS No. CC2009-039 [monitor appointed]

Nature of the Allegation(s): 1) Conduct Standards - a detective was rude to the complainant;

2) Conduct Standards - the detective talked loudly toward the complainant; *and*

3) Call Handling - the detective failed to handle her complaint.

OPS Preliminary Finding(s): 1) **Not Sustained** as to the first conduct standards allegation;

2) **No Finding** as to the second conduct standards allegation; *and*

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

CPRB Finding(s):

1) **Not Sustained** as to the first conduct standards allegation;

2) **No Finding** as to the second conduct standards allegation; *and*

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

APD Final Determination(s): 1) **Not Sustained** as to the first conduct standards allegation;

2) **No Finding** as to the second conduct standards allegation; *and*

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

CPRB No. 30-09/OPS No. CC2009-061 [monitor appointed]

Nature of the Allegation(s): Use of Force - an officer “laser tagged” the complainant for no reason, placed the complainant on a stretcher, and transported him to the hospital where he was sedated.

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

CPRB Finding(s): **Exonerated**

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

CPRB No. 45-09/OPS No. CC2009-097 [monitor appointed]

Nature of the Allegation(s): 1) Use of Force - the police pulled up and pulled the complainant by her arm, threw her to the ground, and another officer assisted in helping the officer knee her in the side, back and her head, telling her that she was on private property;

2) Conduct Standards - officers took the complainant’s \$17.00 from her wallet; *and*

3) Use of Force - an officer took the complainant’s index finger and twisted it backwards stating to her “it was because she wanted to play hardball.”

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

2) **Not Sustained** as to the conduct allegation; *and*

3) **Not Sustained** as to the use of force allegation.

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

2) **Not Sustained** as to the conduct allegation; *and*

3) **Not Sustained** as to the use of force allegation.

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

2) **Not Sustained** as to the conduct allegation; *and*

3) **Not Sustained** as to the use of force allegation.

CPRB No. 49-09/OPS No. CC2009-114 [no monitor appointed]

Nature of the Allegation(s): 1) Conduct Standards - an officer came to the complainant's residence, questioned her, threatened her, and was unprofessional; *and*

2) Conduct Standards - officers were forcing the complainant to lie, and she feared for her safety.

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

2) **Unfounded** as to the second conduct standards allegation.

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

2) **Unfounded** as to the second conduct standards allegation.

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

2) **Unfounded** as to the second conduct standards allegation.

CPRB No. 52-09/OPS No. CC2009-123 [no monitor appointed]

Nature of the Allegation(s): Use of Force - complainant was physically forced to remove his clothes and wear a nightgown, and physically forced to have restraints placed on his arms and legs which held him down to a hospital bed.

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

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

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

CPRB No. 53-09/OPS No. CC2009-117 [no monitor appointed]

Nature of the Allegation(s): Conduct Standards - an officer discriminated against the complainant, and the complainant has been lied to and misled for over two (2) years.

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

CPRB Action(s): At its May 13, 2010 meeting, the CPRB voted unanimously, pursuant to its authority under §42-323(F)(2) of the City Code, to request that the OPS further investigate the circumstances and provide an explanation of whether a taxi cab medallion had been issued to anyone or any taxi cab company in the City of Albany since September 2009 when the complainant filed for a medallion; whether any person or taxi cab company gets preferential treatment with regards to the medallions; whether a company which is already established in Albany is more likely to get a medallion before another individual or less established cab company; who determines whether the economy/City of Albany has too many taxi cabs on the street; how the City can tell a complainant that the economy cannot handle more taxis when citizens of Albany are often forced to ride-share when taking a taxi from downtown Schenectady to Albany, as well as from the train station and airports to downtown Albany with a fare from the airport to downtown in costing excess of \$30 and what the procedure is to obtain a medallion.

CPRB No. 55-09/OPS No. CC2009-120 [no monitor appointed]

Nature of the Allegation(s): 1) Call Handling - an incident report was not completed in reference to the incident; *and*

2) Call Handling - an incident which the complainant reported was not investigated.

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

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

APD Final Determination(s): 1) **Exonerated** as to the first call handling allegation; *and*
2) **Unfounded** as to the second call handling allegation.

CPRB No. 59-09/OPS No. CC2009-122 [monitor appointed]

Nature of the Allegation(s): 1) Use of Force - an officer grabbed a male around the neck in a headlock and slammed him onto the floor, and then another officer got onto the male's back with his knees;
2) Conduct Standards - an officer pointed his taser at the complainant and said "Get back before I f**king taser you";
3) Conduct Standards - an officer threatened to taser the complainant if she did not go back upstairs;
4) Conduct Standards - an officer ran towards the complainant and chased her up the stairs saying that he was going to "take her down" if she came back outside; *and*
5) Conduct Standards - the male told the complainant that the officer beat him on Cortland Place and continued to taser him while he was handcuffed, and punched him in the eye twice.

OPS Preliminary Finding(s): 1) **Exonerated** as to the use of force allegation;
2) **Exonerated** as to the first conduct standards allegation;
3) **Unfounded** as to the second conduct standards allegation;
4) **Unfounded** as to the third conduct standards allegation; *and*
5) **Unfounded** as to the fourth conduct standards allegation.

CPRB Finding(s): 1) **Exonerated** as to the use of force allegation;
2) **Exonerated** as to the first conduct standards allegation;
3) **Unfounded** as to the second conduct standards allegation;

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

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

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

2) **Exonerated** as to the first conduct standards allegation;

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

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

5) **Unfounded** as to fourth conduct standards allegation.

CPRB No. 61-09/OPS No. CC2009-126 [no monitor appointed]

Nature of the Allegation(s): 1) Conduct Standards - an officer told the complainant that “you people...not you, but you people need to stop being cry babies and let the law do its job”; *and*

2) Conduct Standards - the officer stated “oh those scumbags! They have no authority. They are a joke,” when referring to members of the CPRB.

OPS Preliminary Finding(s): 1) **Not Sustained** as to the first conduct standards allegation; *and*

2) **Sustained** as to the second conduct standards allegation.

CPRB Finding(s): 1) **Not Sustained** as to the first conduct standards allegation; *and*

2) **Sustained** as to the second conduct standards allegation.

APD Final Determination(s): 1) **Not Sustained** as to the first conduct standards allegation; *and*

2) **Sustained** as to the second conduct standards allegation.

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

At the Board's May 13, 2010 meeting, OPS Commander Ronald Matos updated the Board with regard to the Early Warning System and its Standard Operating Procedure (SOP). Commander Matos informed the Board that training materials and the Blue T Module were delivered to APD supervisors on April 1, 2010. The Blue T Module is a software package that allows supervisors to enter field incidents into the system. Commander Matos also informed the Board that the SOP was not finalized. The Board asked Counsel to the Board William Kelly, to help define the roles that the SOP for the Early Warning System and cameras in the police vehicles play for the Board. The Board agreed that it needs to be established what they get to see and when they get to see it. The Board requested that OPS let them know if they would be able to review the tapes for active cases before the Board.

During its June 24, 2010 meeting, the Board discussed with OPS Commander Matos the change in complaint review. The OPS is no longer going to include the history of complainants in case files, including criminal histories, when the Board reviews complaints. The Board discussed the change and how it would impact the review process.

PUBLIC OFFICIAL LIAISON

On June 1, 2010, the Board met with the Common Council's Public Safety Committee. At that meeting, the members of the Public Safety Committee were introduced to the Board's new additional monitors. The Committee will vote on the appointment of the new monitors at its next Common Council meeting. During this meeting, the Board updated the Committee on the statuses of its four (4) initiatives: grievance forms; video cameras in police vehicles; Early Warning System; and the Mediation Program.

During the third quarter of 2010, the Board also planned to schedule a meeting with Deputy Mayor Philip Calderone for the fourth quarter of 2010.

TASK FORCE ON MONITORS

During the third quarter of 2010, the Common Council's Public Safety Committee approved the five (5) new CPRB monitors. The Board now has ten (10) monitors. The new monitors underwent training at the GLC. The training session was also attended by the Board's current monitors. The meeting focused on the monitors' protocol and the relationship between the monitors and the OPS.

At its June 24, 2010 meeting, the Board discussed the varying quality of monitors' reports it had been receiving. Some of the monitors were attending interviews, while some were missing interviews and, therefore, were unable to include their observations in reports. The Board discussed the possibility of OPS including in preliminary reports whether or not monitors had attended the interviews. Commander Matos agreed to consider including the information on OPS preliminary reports. The Board requested copies of APD SOPs for its monitors and updated SOPs for the Board members.

MEETINGS

The Board met as a whole three (3) times for the conduct of business during the third quarter. Meetings were held on May 13, 2010, June 10, 2010 and June 24, 2010. All three (3) meetings were held at the Albany Public Library, 161 Washington Avenue, in the Large Auditorium. There was a public comment period at each meeting. Due to conflicting summer vacation schedules, the Board did not meet in the month of July.

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.

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 . . .”

During the third quarter of 2010, Board member Akosua Yeboah and GLC Coordinator for the Board Sharmaine Moseley successfully completed the APD’s Citizens’ Police Academy, which included a ride-along. The Academy was a fifteen (15) week course filled with a lot of information, insight, and hands on training in police relations.

In May 2010, Board members participated in a tour of the APD’s Communication Center located on Henry Johnson Boulevard.

OTHER

10th Year Anniversary of the CPRB

During the third quarter of 2010, the Board discussed plans for the upcoming 10th year anniversary of the CPRB. Some members of the Board and GLC staff met with City of Albany Corporation Counsel John Reilly to discuss thoughts and suggestions for the planned fall symposium.

NACOLE Conference

During the third quarter of 2010, the Board discussed the annual NACOLE Conference, scheduled for September 23, 2010, in Seattle, Washington. The Board suggested the possibility of someone from the police department attending, since the conference is a great opportunity for the APD to learn from other police departments around the country. Board members Akosua Yeboah, Marilyn Hammond, and GLC Coordinator for the Board Sharmaine Moseley will be attending this year’s conference. Attendance at the conference satisfies the Board’s ongoing training requirement under the City’s ordinance.

REPORTS

At its May 13, 2010 meeting, the Board voted unanimously to approve its First Quarterly Report for 2009, prepared and submitted by the Government Law Center.

During the third quarter of 2010, the Board reviewed drafts of the Second and Third Quarterly Reports of 2009 submitted by the Government Law Center.

GOVERNMENT LAW CENTER

During the third quarter of 2010, 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:

- Coordinated, scheduled, and arrange logistics for Board participation in a tour of the APD's new Communications Center.
- Coordinated, scheduled, and engaged in a meeting and discussion with the Albany Common Council's Public Safety Committee and the Board.
- Coordinated, scheduled, and engaged in a meeting, training session, and discussion between the Board and monitors.
- Coordinated, scheduled and engaged in a meeting with the Board's mediation sub-committee regarding current mediation initiatives.
- Registered two (2) Board members and one (1) staff person from the Government Law Center to attend the 2009 NACOLE Conference in September 2010.
- Drafted and forwarded to the Board its First, Second and Third Quarterly Reports for 2009 for review.
- Forwarded the Board's 2008 Third Quarterly Report to its members, City of Albany public officials, and residents.
- Received and forwarded to the Board and the Common Council the resignation letter of Board member Jean Gannon.
- Forwarded a copy of the Albany Police Department's Standard Operating Procedures manual to the City of Albany's Assistant Corp. Counsel for revisions.
- Forwarded to the Albany Common Council's Public Safety Committee contact information for new monitors to be invited to an Introduction to the Committee meeting.
- Received and forwarded to the Board the Albany Common Council's Public Safety Committee resolution appointing new monitors to the Board's rotation.
- Researched other New York police review boards regarding policies and procedures for reviewing complaints with video from police vehicles.

- Drafted and forwarded correspondence to the City of Albany Mayor Gerald Jennings and Common Council President Carolyn McLaughlin notifying them of Board vacancies.
- Finalized the order of business cards for new Board members.
- Forwarded to the Board correspondence received from Deputy Chief Stephen Reilly regarding CPRB No. 50-08/OPS No. C08-629.
- 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.
- Notified organizations, community groups, and complainants of the Board's public meeting by posting a press release in City Hall, and sending out via mail and e-mail notices and press releases.
- Drafted and forwarded correspondence to the City regarding Freedom of Information Law (FOIL) requests.
- Drafted and forwarded correspondence to the Albany Law Career Center in regard to the student work study positions available with the CPRB.
- Forwarded the updated database scorecard and the grievance form chart 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; three (3) committee/task force meetings; one (1) training session; and one (1) informational tour, 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; three (3) committee/task force meetings; and one (1) training session;
- Arranged logistics for and participated in an APD ride-along;

- Arranged logistics for and participated in a meeting with Robert Worden, Director of the Finn Institute for Public Safety, Inc., regarding Survey/Evaluation;
- 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 a very active third quarter, which included: holding three (3) regular monthly meetings; three (3) committee/task force meetings; and reviewing seventeen (17) complaints. The Board participated in the training of its monitors as well as a tour of the APD Communications Center. In addition, the Board continued to work collaboratively with the APD on its initiatives, which included mediation, the Early Warning System and video cameras in police vehicles. During this quarter, the Board hired five (5) new monitors and provided a comprehensive training for its new monitors, which was refresher training for its current monitors. The Board continued its efforts in scheduling upcoming outreach meetings.

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: September 1, 2010

