

**City of Albany
Citizens' Police Review Board Public Meeting
Albany Public Library
161 Washington Avenue- Large Auditorium
April 9, 2009
6:00 p.m. - 8:00 p.m.**

Present: Jason Allen, Daniel Fitzgerald, Ronald Flagg, Marilyn Hammond, John Paneto, Andrew Phelan Jr., Anthony Potenza, and Reverend Edward Smart.

Absent: Jean Gannon.

I. Call to Order and Roll Call

Chairman Jason Allen called the meeting to order at 6:05 p.m.

II. Approval of the Agenda

The agenda was reviewed. Chairman Jason Allen noted that CPRB No. 4-05 will not be reviewed until the next meeting of the Board because the complainant was not notified. Chairman Allen moved to approve the revised agenda. Marilyn Hammond seconded the motion. The motion carried unanimously.

III. Approval of the January 8, 2009 Meeting Minutes

The January 8, 2009 meeting minutes were reviewed. Ronald Flagg moved to approve the meeting minutes. Andrew Phelan seconded the motion. The motion carried unanimously.

IV. New Business

A. *New Complaints*

1. New Complaints Received Since March 12, 2009 Meeting

Andrew Phelan reported that five (5) new complaints had been received by the Board since its March 12, 2009 meeting. Mr. Phelan read a summary of each new complaint.

CPRB No. 12-09

The complainant alleges that on March 13, 2009, she went to her best friend's house to pick up her 4 year-old son. As the complainant left her friend's house, two Albany Police Department officers were parked next to her car. The complainant said "hello" to the two officers and placed her 4 year-old in the car. According to the complainant, as she was entering the car, the two officers came over and started harassing her fiancé, who was sitting in the passenger seat. They continually asked him "What is your name?" When the complainant asked the officers what was going on, the officers replied "None of your

damn business.” The complainant claims that the officers then told the complainant’s fiancé that there was a warrant issued to the apartment of the complainant’s best friend’s mother. According to the complainant, the officers then arrested the fiancé of the complainant. The complainant asked the officers why they approached her vehicle. The officers told her that they approached her vehicle because she had turned the corner fast five blocks ago. The complainant did not understand why the officers harassed her fiancé since she was the driver, and they never even asked for the complainant’s name. The complainant alleges that one of the officers continued to be rude to the complainant and asked her to remove her keys from the ignition. The officer smacked the complainant’s hand when she tried to prevent him from searching her glove compartment. The complainant claims that when she went to the house to counsel her frightened son, the officer grabbed her arm with lots of force preventing her from doing so.

It was noted that a monitor was not appointed to investigate this complaint.

CPRB No. 13-09

The complainant alleges that as he was walking home from work at Subway, an officer pulled over and started to interrogate him. According to the complainant, the officer asked where the complainant was coming from, where he was going, and where he lived. The complainant answered all the officer’s questions. The complainant further alleges that the officer then told the complainant to pull up his shirt and show his waist band. The complainant complied. According to the complainant, the officer stated that he asked him to do so because the complainant fit the profile of someone who was carrying a firearm. The complainant lifted up his shirt and was not carrying a firearm. The officer then asked the complainant for his identification (ID). The complainant claims that the officer then exited his vehicle, unbuttoned the strap on his gun, approached the complainant, and grabbed him by the arm. The complainant further claims that the officer proceeded to kick the inside of the complainant’s legs aggressively six (6) to seven (7) times. The complainant alleges that the officer then searched the complainant’s pockets without permission. The complainant’s ID came up clean, and he was allowed to leave. According to the complainant, he was harassed by police for no good reason.

It was noted that a monitor was appointed to investigate this complaint.

CPRB No. 14-09

The complainant alleges that on March 23, 2009, the complainant and her sister were sitting on the steps outside of her house when they were confronted by Ms. G. Ms. G started to verbally harass them stating “b***h come off them steps, and I’ll beat your f****ng ass.” The complainant’s sister then left the steps and confronted Ms. G and a fight ensued. Mr. S broke up the fight, and Ms. G left. According to the complainant, she was not involved in the fight. The complainant and her sister also deny knowing that Ms. G was pregnant at the time.

Ms. G then returned carrying a wooden baseball bat. Ms. G's sister was carrying a snow shovel. They left and then returned a third time with the police. According to the complainant, when the police arrived, they grabbed the wrong woman on the street before they arrested the complainant's sister. The complainant placed her arm in front of her sister and asked why they were going to arrest her sister. An officer yelled "You can place your f***ing hands behind your f***ing back too." The complainant's sister tried to explain that the complainant had nothing to do with the fight and they should not arrest her for just asking a question. The complainant alleges that the officer pepper sprayed the complainant for no reason because she was not resisting arrest. The complainant further alleges that the officer refused to bring the complainant water and told her cousin to stop bringing water. The complainant claims that she was spitting because of the pepper spray, and the officer yelled "If you spit on me I will punch you in your f***ing face." The complainant alleges that the officer called her a "fat black b***h" who needed to work out. The officers then dragged the complainant off the curb. According to the complainant, when her mother attempted to intervene, the officers pushed her mother away. The complainant claims that she was never read her charges or read her rights.

It was noted that a monitor was appointed to investigate this complaint.

CPRB No. 15-09

The complainant alleges that an APD officer committed perjury. According to the complainant, he is the neighbor of the APD officer. The complainant and the APD officer have a long history of disputes dating to 2004. In April 2008, the Guilderland Town Police arrested the complainant on reckless endangerment and criminal mischief charges after the complainant's tree fell onto the APD officer's shed. The officer claimed that the complainant purposefully cut down the tree. According to the complainant, the tree fell down from heavy winds. The complainant cut the remaining part of the tree after it had fallen. The judge threw out both charges against the complainant. The complainant has filed a small claims suit because he believes that he should have never been arrested or had to pay attorney fees to get this case dismissed.

It was noted that a monitor was appointed to investigate this complaint.

CPRB No. 16-09

According to the complainant, on March 19, 2009 he was pulled over by a State trooper who informed him of why he was stopped. When asked for his license, the complainant did not have it on him, so he told the trooper his name. After the trooper ran the complainant's information, the trooper returned to the car, and informed the complainant that his license was suspended due to a failure to appear ticket. The trooper informed the complainant that he would have to leave the vehicle and get someone to pick it up. According to the complainant, he told the trooper that he could leave it in the lot because of his relationship with the owner of the parking lot. As the complainant was reaching into the glove compartment for his registration, the trooper noticed a plastic bag sticking

out, so the trooper asked the complainant what was it. According to the complainant, he told the trooper that it was tablets for an ongoing medical condition. The trooper took the tablets and the registration back to his police vehicle.

As the trooper went back to the police vehicle, an APD officer appeared. The complainant claims that the second officer was abrupt, intimidating, and used foul language. According to the complainant, the officer accused him of being in possession of a controlled substance. The complainant alleges that the officer threatened to take his vehicle apart. Therefore, the complainant was fearful for his safety. One of the officers started to search and push the complainant around. The complainant was then told that he had to get someone to move his vehicle within five (5) minutes or it would be towed. The complainant asked his girlfriend to come to the scene. When the girlfriend arrived at the scene, one of the officers asked for her license and then yelled at her to get the truck "the f**k out of here." The complainant was taken to the station for possession of drugs but was allowed to go home on an appearance ticket. The complainant alleges that the officer signed a false statement. The complainant feels that the trooper was completely professional and if the trooper was not on the scene, his situation would have been extremely grim.

It was noted that a monitor was not appointed to investigate this complaint.

2. New Complaints for Review

CPRB No. 23-08/OPS No. C08-254 (Presented by Ronald Flagg)

Ronald Flagg summarized the complaint. The complainant alleged that when she went to the South Station to make a report the officer was not attentive to her needs. The complainant went to the station to report a rape and the officer questioned her several times if she was sure that was what she wanted to do. The complainant further alleged that the officer asked "if she was sure that it wasn't just bad sex." Then the officer asked, "How could you have worked with him all this time with what happened to you?" The officer then asked, "How could you enter the premises knowing what happened there?" The complainant felt the officer was short with her and rude.

Mr. Flagg summarized the findings of the Office of Professional Standards (OPS) on the allegation of call handling. He reported that the complainant alleged that when she went to the station to report the rape the officer asked several times if she was sure that she wanted to do that. Mr. Flagg noted that after a discussion between him and the OPS they have decided to add this to the OPS preliminary report.

Mr. Flagg summarized the findings of the OPS on the first allegation of conduct standards. He reported that the complainant's mother stated that the complainant asked to speak with a female officer regarding the crime that had been committed. The male officer who assisted the complainant explained that he would explain the situation to the complainant and did not seek the assistance of a female officer. Based on the OPS investigation, the department's schedule for the time of the incident revealed that a

female officer was in fact working. Mr. Flagg stated that according to the Albany Police Department's Standard Operating Procedure, a female officer should have been contacted if that would have made the complainant more comfortable. Mr. Flagg reported that the OPS recommended that this portion of the investigation be closed as *sustained*, where the review discloses sufficient facts to prove the allegation made in the complaint. As per Article 4-43.1- 7(b) it states that the officer should ask the victim if he/she would be more comfortable with a female present, i.e. female officer, female family member, etc... Mr. Flagg noted that this needs to be added to the OPS report.

Mr. Flagg summarized the findings of the OPS on the second conduct standards allegation. He reported that the complainant alleged that the officer was short and rude with her. Based on the OPS investigation, the complainant's mother was with her at the time of the questioning by the police officer and when the mother was questioned by the OPS and the monitor. The mother stated that she felt that the officer was professional at all times. Although the officer asked some very difficult questions, she felt that it was appropriate how the officer asked the questions and the type of questions the officer asked. Mr. Flagg noted that the OPS recommended that this allegation be closed as *unfounded*.

Daniel Fitzgerald asked did the Board previously review this case and send it back to the OPS. Mr. Flagg replied that the case was sent back. Det. Kathy Hendrick stated that the Board discussed it, and it was taken off the agenda based on the Board discussions.

Mr. Flagg noted that the monitor assigned to the complaint, Al Lawrence, was present. Mr. Lawrence stated that there was another detective, who was in and out of the room when the complainant was being questioned. This indicated that the target officer was concerned about the complainant's privacy. The target officer indicated that he spent forty-five (45) minutes with the complainant. Mr. Lawrence stated that it was important to point out that the alleged rape occurred six months before the complainant filed the complaint.

Mr. Flagg noted that the complainant continued to be employed in the same location and work with the alleged perpetrator. Mr. Flagg noted that he raised the question of whether a female officer was present and what was the SOP for that. It was sustained that a female officer should have been asked to be involved in that.

Reverend Edward Smart commended the excellent job done by Mr. Flagg. Reverend Smart questioned why the time was an issue when you have priests who rape little boys. Twenty years later charges are brought against these priests, and that seems to be appropriate. Reverend Smart stated that the fact that it is six months indicates that the complainant was apprehensive, and perhaps it would have been in the best judgment of the officer knowing the time frame to have called a female officer to speak to the complainant. Reverend Smart stated that training needs to take place so we know that if a woman comes in six months later, there is something wrong, and this needs to be treated differently. Reverend Smart noted that most women can relate to another woman better than a man in instances like this. He stated that he did not believe that the officer's

conduct was out of line, but that some additional training needs to take place for all officers.

Mr. Flagg moved to concur with the OPS findings on the call handling allegation as *sustained*. Reverend Edward Smart seconded the motion. The motion carried 7-0. Marilyn Hammond abstained from voting.

Mr. Flagg moved to concur with the OPS findings on the conduct standards allegation as *unfounded*. Chairman Allen seconded the motion. The motion carried 7-0. Marilyn Hammond abstained from voting.

Mr. Flagg stated that Reverend Smart raised an issue that should be addressed by OPS, in making sure that all the officers are exposed to that standing. The officer in this complaint should get some feedback that he did not adhere to that standing.

Chairman Allen asked how officers get trained to handle a situation like the complainant's. Commander Matos responded that training cycles happen and they are going on right now and happen throughout the year. Commander Matos stated that this is something the APD can incorporate into one of the training cycles over the year and have the officers exposed to this issue. The more immediate solution would be to contact the individuals that were involved with that particular call handling and have them made aware of what is in the SOP, which is clear and it states that female officers will be contacted when asked for and that is why OPS changed its findings.

Chairman Allen noted that the Board will draft a letter recommending the training loophole be closed. Mr. Paneto commented that this is a person over eighteen years old, an adult, so what Reverend Smart said about the priests with children there is no consent because seven or eight year old cannot give permission to have sex. Reverend Smart stated that it was an analogy and was using it more as an example of time frame, and that it is still relevant.

CPRB No. 67-08/OPS No. C08-645 (Presented by Reverend Edward Smart)

Reverend Edward Smart summarized the complaint. The complainant alleged that his arrest by officers for criminal contempt was not warranted due to the Order of Protection being vacated prior to this incident. The complainant stated that earlier that day officers were called to his residence for a domestic dispute and they verified that the Order of Protection was in fact vacated.

Reverend Smart noted that he reviewed the following documents; two call tickets to separate incidents at 5:00am and 12:10pm, copy of order of protection, copy of order of protection vacated three days later, two domestic incident reports, confidential file dated 1/27/2009, intra-departmental (IDC) memos, arrest records, sworn testimony, computer printout from mobile data terminals, and the citizen complaint.

Reverend Smart reported that the OPS findings regarding the arrest authority and procedures allegation, where the complainant stated that his arrest was unwarranted, was *exonerated*, where the acts which provide the basis for the complaint occurred, but the review shows that such acts were proper. Reverend Smart reported that the complainant alleged that the officers had no right to arrest him for the violation of the Order of Protection because the order was vacated in court. Based on the investigation, the officers would not have known about the Order of Protection if the complainant's wife did not present it to them. When the complainant informed the officers that the Order of Protection was vacated, the officers made every attempt to verify his allegation. After not finding any documentation to show the Order of Protection had been vacated in court, the officers called their supervisor to request advice and suggested action and the officers were instructed to make the arrest. Reverend Smart stated that page two of the Order of Protection states that "The Family Court Act provides the presentation of a copy of this order of protection to any police officer or peace officer acting pursuant to his or her special duties shall authorize, and sometimes requires, such officer to arrest a person who is alleged to have violated its terms and to bring him or her before the court to face penalties authorized by law."

Reverend Smart stated that the complainant alleged that his arrest was unwarranted due to the vacated order of protection. The officers attempted to verify the order of protection and all information pertaining to the vacated order. The information could not be verified, and the officers were compelled to arrest the complainant. Reverend Smart reported that the complainant was arrested for a domestic violation as well. The officers acted in a most professional manner and attempted to avoid arresting for the order of protection. This incident was the second call to the residence in less than 24 hours. The actions of the officers were justified and the arrest was proper.

Chairman Allen asked if the complainant was arrested the first time. Reverend Smart stated that the first time the complainant called the police and the second time the wife of the complainant was the caller. Reverend Smart explained that when the officers arrived the second time the wife showed the police the order of protection. The complainant did not have proof that the order had been vacated, so the officers called and asked what they should do. By law they were compelled to bring him in. Reverend Smart stated that he believed that the officers worked in a very prudent manner. He further stated that a monitor was not assigned to this case.

Reverend Smart moved to concur with the OPS findings on arrest authority procedures allegation as *exonerated*. Chairman Allen seconded the motion. The motion carried unanimously.

CPRB No. 71-08/OPS No. C08-734 (Presented by Marilyn Hammond)

Marilyn Hammond summarized the complaint. The complainant alleged that while involved in a domestic incident an officer pulled him aside and began asking him questions regarding a shooting on S. Lake Avenue a couple of days ago. The complainant responded in the negative. The officer then questioned the complainant if he

knew any one from either uptown or downtown. The complainant told the officer “no”, he does not socialize on the streets. The complainant alleged that the officer responded by telling the complainant that his license was suspended and that he could arrest him. The complainant claimed that the officer told him that the next time he sees him he better have information for him.

Ms. Hammond reported that on December 9, 2008, the reporting detective received the Domestic Incident Report that was completed at the scene. According to the report, a female did have a verbal argument with the complainant owing her seven dollars for cigarettes. The complainant left the female’s residence in his vehicle. The female followed the complainant until the complainant stopped his car. She pulled her car close to the complainant’s car which caused the complainant to become upset and alarmed. There was no damage to either car. On January 6, 2009, the reporting detective spoke with the complainant’s girlfriend. The girlfriend stated that the complainant was approximately half a block away from her when the officer interviewed the complainant so she did not hear the conversation. On January 15, 2009, the officer was unable to reach the complainant so the officer called the girlfriend. According to the officer, the girlfriend had not heard from the complainant either. On January 16, 2009, the complainant was advised not to operate any cars leaving the scene. The complainant was further advised by the officer that had he been seen operating the car on the scene by a police officer he would have been cited. Based on the investigation, the officer never made any statements containing the content the complainant claims, nor did any officer on the scene. The officer conducted himself in an extremely professional manner, completed all paperwork, and properly advised the complainant.

Ms. Hammond reported that she reviewed the domestic incident report and the call sheet which stated that the complainant was ramming his vehicle into another vehicle. The original officer was called to the home as back up for an assault call. The officer helped in separating and interviewing both parties. The argument was mediated at the scene.

Ms. Hammond reported that she reviewed the DMV records which showed that the complainant’s license was suspended. She stated that she agreed with the OPS finding on the conduct standards allegation as *exonerated* because the officer was following protocol and as far as the record shows, he never questioned the complainant about the shooting, so it is a he said/she said which is hard to prove.

John Paneto stated that he was unsure how the officer arrived at the scene. Mr. Paneto further stated that the report stated that the complainant was involved in a domestic incident and that may have in and of itself have led to an arrest on the spot. Ms. Hammond stated that she did not know why the complainant was not arrested for the domestic incident.

Ms. Hammond reported that the OPS findings on the conduct standards allegation was *exonerated*, where the acts which provide the basis for the complaint occurred, but the review shows that such acts were proper. The complainant alleged that the officer informed him that his license was suspended, and he could be arrested for operating his

vehicle. He further stated that his license was not suspended, and he informed OPS that he went to the motor vehicle the next day and verified that it was not. Mr. Paneto reiterated that the complainant should have been arrested for the domestic incident.

Reverend Smart questioned whether the complainant was driving a car when the officers stopped the complainant. Ms. Hammond replied that he was not driving but had just been driving and had allegedly rammed another car. Reverend Smart asked whether the officer witnessed the complainant ramming the car. Ms. Hammond replied that the report did not state whether the officer saw the incident. Reverend Smart stated that the complainant was not driving a car, and the officer did not see him driving.

Commander Ronald Matos stated that he believed that the nature of the call was vehicular. Ms. Hammond added that the original call was from the complainant's girlfriend. Reverend Smart reported that the officer stated that he did attempt to debrief the complainant to obtain relevant information that may help solve several ongoing cases in the city of Albany. Ms. Hammond added that the officer never made any statements pertaining to the content of the complaint. Reverend Smart noted that the OPS reported that the officer did question the complainant about the shooting. It was noted that there was no monitor assigned to this case. Ms. Hammond stated that the officers were investigating a domestic incident. After a routine check, it was determined that the complainant's license was suspended. Ms. Hammond noted that it did say in the OPS report that the officer questioned the complainant regarding the shooting.

Mr. Fitzgerald asked if it was standard operating procedure to question someone in an unrelated matter. Commander Matos stated any opportunity to gather intelligence in the area where they work in order to help solve crimes is within an officer's job description. Commander Matos further stated that as far as the domestic related incidents are concerned, the domestic incident could be a phone call from a neighbor about arguing. Domestic incidents do not always lead to arrest. Unless there is probable cause, no arrest will occur.

Reverend Smart asked if the police pulled him over for speeding and somebody robbed a bank down the corner last week, the police could ask him if he knew who robbed the bank. Commander Matos answered that there is certain levels of intrusions that guide the officers' actions. He explained that at the first level of intrusion they can get into contact with anybody and ask them non-accusatory questions and that person is in no way compelled to answer those questions. However it is within their scope of their duties, it is deemed lawful, and is a lawful encounter. If the officer is intelligence gathering in an area where something happened and looking for potential witnesses they can gather that information.

Reverend Smart asked if the complainant was arrested. Ms. Hammond replied that the complainant was not arrested. The complainant paid the fine. Reverend Smart asked what constitutes an officer's decision to ask a person these kinds of questions.

Chairman Allen stated that this incident happened on October 22, 2008, two days after a murder. The encounter was on the same street as the murder. Commander Matos stated that it is an intelligence gathering type of police technique used to help solve crimes. Road blocks and flyers are also utilized. It is non-accusatory encounter where questions can be asked if it is deemed lawful.

Chairman Allen stated that lawful questions could be asked, but the complainant's license was suspended. Mr. Flagg stated that when he did investigations for Children and Family Services he would get information that he did not expect more times than not. When he asked questions about certain information, something else would come up that he did not even know happened.

Chairman Allen stated that this was in response to a call for a domestic incident. The complainant was allegedly ramming his girlfriend's car on the same street that a murder occurred two days before. Chairman Allen stated that he did not understand why the complainant was not arrested.

Reverend Smart stated that he did not understand that if it was a domestic situation between individuals why the complainant was not arrested. It seems like you would go into that particular situation thinking about the two individuals, rather than saying we are on this domestic call with this guy who may know something about this or that. Reverend Smart further stated that he thought there is a lot of leeway. There are times when it is appropriate and times when it is not.

Chairman Allen asked if Reverend Smart would not have been troubled if the officer did not ask that question. Chairman Allen noted that here, the officer was responding to an incident, in which the complainant was ramming his car into his girlfriend's car. While the officer was there the officer asked if the complainant saw anything.

Reverend Smart stated that the complainant may have been ramming the car but we do not know if it was really the girlfriend's car. It could have been her car that she drives which the complainant pays for and it is in his name and maybe the complainant was ramming his own car. If it was the complainant's car, then he could do what he wants with it? Reverend Smart stated that the complainant's license was suspended. He should have been arrested for that, but he was not.

Marilyn Hammond moved to concur with the OPS findings on the first conduct standards allegation as *exonerated*. Andrew Phelan, Jr. seconded the motion. The motion carried unanimously.

Marilyn Hammond moved to concur with the OPS findings on the second conduct standards allegation as *exonerated*. Chairman Allen seconded the motion. The motion carried unanimously.

CPRB No. 77-08/OPS No. C08-780 (Presented by Andrew Phelan, Jr.)

Andrew Phelan summarized the complaint. The complainant is a resident at the Clinton County Correctional Facility and has written two complaints. Mr. Phelan reported that neither complaint had anything to do with the Albany Police Department. He stated that he agreed with the OPS findings for the call handling allegation as *no finding*. Based on the investigation, the complainant stated that two members of the Clinton County Correctional Facility and not members of the APD were charged in this complaint. Mr. Phelan reported that the OPS forwarded all this information to the Clinton Correctional Facility.

Chairman Allen commented that the complaint should have been done within sixty days. Detective Hendrick stated that the OPS is working on that. Detective Hendrick added that the complainant sent two separate letters and both were incorporated and kept as one case instead of issuing a new number.

Andrew Phelan moved to concur with the OPS finding of *no finding*. Chairman Jason Allen seconded the motion. The motion carried unanimously.

CPRB No. 4-09/OPS No. C09-007 (Presented by John Paneto)

John Paneto summarized the complaint. The complainant alleged that a police officer gave him a ticket for a traffic law violation. Mr. Paneto noted that the complainant submitted a photo of the street in question. Mr. Paneto stated that in his opinion, the photo proved that you could not see the sidewalk and there was at least 12 inches of snow on the ground. It is difficult for one to believe that the complainant would think his car was legally parked when the road and the sidewalk were all one.

Mr. Paneto stated that based on the OPS investigation, the complainant claimed that he did not have an issue with the police officer but he would like his traffic ticket fixed. Mr. Paneto stated that he agreed with the OPS finding on the call handling allegation of *no finding*.

Reverend Smart asked if the city has some responsibility if the street is not plowed. Why are officers giving tickets on a Sunday night in a snow storm? Chairman Allen stated that he had received a similar ticket and sympathizes with the complainant. Reverend Smart stated that he did not believe that Sunday night was a snow emergency night.

Commander Matos stated that the complainant was ticketed and probably towed so that the street could be plowed. The complainant's car was blocking the whole street from getting plowed. Reverend Smart asked if other cars were towed as well. Commander Matos answered all cars that were in the way were towed. Reverend Smart stated that he thought there was a law that officers must attempt to find the person whose car needs to

be towed. Chairman Allen stated that they do make extraordinary efforts to contact people.

Board Counsel Patrick Jordan stated that thousands of doors were knocked on and they went with bullhorns down the street asking people to please move their vehicles. Chairman Allen stated that they do this at 3:00 a.m. on Sunday night. Mr. Jordan added that the streets needed to be plowed for Monday morning traffic.

Reverend Smart noted that this was Barrows Street which is not a major street. Reverend Smart added that they do not plow his street like that. Chairman Allen noted that his street may not be the first street and when they get to it at 3:00 a.m. a patrol car will go in front of the plow truck with a bullhorn saying move your car with lights flashing to wake you up. Chairman Allen stated that he has seen them take extraordinary measures but he has also seen the night before New Year's Eve when they shovel eight inches of snow to put a ticket on your car. Reverend Smart stated that the officer's time is more well spent dealing with gun violence and drugs and all those kinds of things rather than ticketing people and getting money.

Mr. Paneto stated that he disagreed. In a major snowstorm police and emergency vehicles cannot proceed through the street because vehicles are blocking the traffic. If a fire truck comes through they are going to remove that vehicle with force whether it is a side street or main street. Mr. Paneto stated that he told all his neighborhood association members that when they see it snowing they should make it a regular habit to have their car moved. This is especially true if they have alternative side street parking, garbage collection day, or the mayor has declared a snow emergency. If you own a vehicle, it is your ultimate responsibility when you see snow to make arrangements. Mr. Paneto stated that he had no sympathy whatsoever for anyone whose vehicle was towed by the city, and encouraged it to make sure that his house doesn't burn down because a fire truck could not get through.

John Paneto moved to concur with the OPS finding on the call handling allegation as *no finding*. Marilyn Hammond seconded the motion. The motion carried 6-1. Reverend Smart voted against the motion. Reverend Smart stated that he voted against the finding because he believed that officers should be taking guns and drugs off the streets rather than trying to put money in the coffers of the city by towing citizens' cars off the streets. Reverend Smart added that he knows for a fact that not all streets are treated the same in the city of Albany. It depends on the ward and the political power that you have that determines when you get your street plowed. The city as a whole does not take care of the minority wards in the same manner that it takes care of other wards.

Ms. Hammond stated that she formerly lived in the South End. Officers came through to let people know. They did not do it all the time but they did do it sometimes.

B. Appointment of New Members to the Committee on Complaint Review for May 2009

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

for May 2009: Jason Allen, Daniel Fitzgerald, Marilyn Hammond, John Paneto, Andrew Phelan, and Anthony Potenza.

C. Approval of 2008 Second Quarterly Report

The 2008 Second Quarterly Report was reviewed. Reverend Edward Smart moved to approve the report. Daniel Fitzgerald seconded the motion. The motion carried unanimously.

D. Committee/Task Force Reports

By-Laws and Rules

Committee Chairman Jason Allen stated that he had nothing new to report.

Community Outreach

Committee Chairman Reverend Smart reported that a community outreach meeting has been scheduled for May 20, 2009 with the Hudson Neighborhood Association at 7:00 p.m. at the Westminster Presbyterian Church and another meeting has been scheduled with the Center Square Neighborhood Association on May 21, 2009.

Chairman Allen reported that he will not be able to attend the meeting on May 21, 2009. Chairman Allen noted that any board member who wants to join Reverend Smart for the outreach meeting is more than welcome to. It is always good to get out and talk to the neighborhood associations.

Mediation

Committee Chairman Jason Allen noted that he had nothing new to report

Police Department Liaison

Committee Chairman Andrew Phelan, Jr. reported that he talked to OPS Commander Ronald Matos about the new early warning program called IAPRO. This program is used by the NYC police department, Rochester police, and other police agencies. All police department employees are on the system. Mr. Phelan stated that this is an early warning system that keeps track of civilian complaints, administrative investigations, car accidents, use of force, and injuries to officers. Information can be generated about locations and shifts. He further stated that it has only been up and running for about three months and the OPS is still inputting data into it.

Mr. Phelan added that as more data becomes available this new tool will become very helpful. As far as the use of force they keep track after three or more incidents such as administrative, auto accidents, or on the job injury.

Chairman Allen asked the Government Law Center to set up a meeting with OPS regarding IAPRO to get an idea of what the reports will look like and also for an update on the cameras and audio.

Public Official Liaison

Committee Chairman Ronald Flagg noted that there are two meetings scheduled on May 6, 2009 with the Public Safety Committee of the Common Council at 5:30 p.m. on the second floor of City Hall and on May 7, 2009 at 3:00 p.m. with Deputy Mayor Phil Calderone in the Mayor's Conference Room.

Chairman Allen asked if the meetings could be coordinated with all the candidates that are running for Mayor as an information exchange. The meeting would be open to any board members who are interested in coming.

Task Force on Monitors

Chairman Jason Allen reported that clarification is needed on the monitor's protocol to clarify billing. He stated that the members should review the protocol and the change would be voted on at next meeting. Chairman Allen noted that each board member was given a copy of the monitor's protocol with underlining on page eight, where the clarification was needed.

Chairman Allen stated that the GLC is looking into hiring new monitors due to the case load in addition to the fact that many of the original monitors have left. He reported that Monitor Theresa Balfe is on a leave of absence. Chairman Allen stated that a meeting would be scheduled to discuss how to advertise for the skill set the Board is looking for, the interview process, and the number of monitors that will be hired.

Reverend Edward Smart stated that the Board should work hard to find monitors within the scope of the city of Albany and that they are Albany residents. Albany residents should have preference and the Board should look for people who have a vested interest in our community to look into the allegations against police officers in the city of Albany. Chairman Allen stated that the Board would look into that and that the plan was to start interviewing in the spring and summer so the CPRB would have additional monitors by fall.

E. Report from the Government Law Center

Government Law Center (GLC) Coordinator of the Board Sharmaine Moseley gave the report.

Complainant Inventory as of Date of Meeting

It was reported that as of today, there are currently forty-nine (49) active complaints before the Board for review. Of those forty-nine (49) active complaints five (5) were

reviewed at tonight's meeting, which leaves the Board with forty-four (44) active complaints. Out of those forty-four (44) active complaints two (2) are ready to go to the agenda for review.

It was further reported that three hundred and twenty-three (323) complaints have been closed. The total number of complaints that remain suspended from review is six (6). The total number of complaints filed to date is three hundred and seventy-three (373).

It was reported that the Board received five (5) grievance forms since its last meeting. The total number of grievance forms received to date is seventy-nine (79). The GLC has reached out to all seventy-nine (79) individuals, and has received nineteen (19) CPRB complaint forms.

10th Anniversary of the CPRB

It was reported that next year will be the 10th year anniversary of the CPRB. The GLC has been thinking of hosting a mini-conference on citizen oversight. There are many factors in the planning of a conference such as budget, location and arrangement of speakers. Therefore, the GLC would like some input and help from the Board in planning for the conference by means of creating a subcommittee. The GLC requested that the Board share any thoughts they may have in regards to creating a subcommittee and if anyone wants to volunteer their time to assist with the planning of the conference.

Chairman Allen stated that this would be a great opportunity. He further stated that a conference would be a combination of celebratory, outreach, learning, and recalibrating and making sure the Board is heading in the right direction. Chairman Allen stated that he supported the GLC's initiative to set up a subcommittee in order to recognize the CPRB's 10th anniversary properly.

Ronald Flagg volunteered to serve as co-chair on the subcommittee. The GLC and the Board will co-chair the subcommittee.

Next Board Meeting

Chairman Allen stated that the Board was informed of twenty-three (23) people who have had an issue with APD and had not filed complaint forms. After reaching out to them, seven (7) were filed complaints. Chairman Allen further stated that there are only two (2) complaints in backlog so there is no need for a second board meeting this month.

It was reported that the next Board meeting is scheduled for Thursday, May 14th at the library.

F. Report from the Office of Professional Standards

Commander Matos noted that there was nothing new to report.

G. *Report from the Chair*

Chairman Jason Allen reported that he had a meeting with the Director of the GLC and Ms. Moseley to discuss a few items. Chairman Allen stated that he proposed to the GLC a student project to do an internal audit, by having a student go through the Board's laws, policy, and procedures to verify that the Board is doing what they say they are doing. Chairman Allen further stated that it would be a good student project within Albany Law School to provide the Board with feedback and some kind of report with what the Board is doing well and what they can improve on.

Chairman Allen stated that he is familiar with a local internet startup that has a scheduling collaborative tool. The website is called izoca.com and it is free. It enables people to set up small private groups and manage their calendar. Chairman Allen further stated that Ms. Moseley and Chairman Allen are going to work on setting up an account for the GLC and will provide the members with instructions. If a member wanted to know six months from now when the next Board meeting will be that member can look it up online. Also, the GLC will not have to send out so many papers and forms. This scheduling tool will ensure that all the outreach and subcommittee meetings are coordinated and visible. All that is required is that the Board member register their email with Ms. Moseley so they can view the calendar once it is set up. The goal is to set up a site for the board to manage its schedule.

V. **Public Comment**

Executive Director of the Center for Law and Justice Dr. Alice Green stated that over the years they have had complaints from a population that is usually fearful of filing complaints. Those are the people that are released from prisons and jails. They always complain that they are unfairly targeted by police because they are known by the police so they are afraid of making a formal complaint.

Dr. Green stated that the Center for Justice has just launched a new program of re-entry called the Jeffrey Wood Re-entry Center which is located at 153 S. Pearl Street. Dr. Green invited the Board to the reception and opening of that center on May 7, 2009 from 5:30 pm-7:30pm. Dr. Green noted that we are all interested in protecting people coming out of the prisons and jails. Dr. Green added that with the Rockefeller Drug Law reforms, more and more people will be coming out of prison and the center is trying to find ways to address the needs of that population.

VI. **Adjournment**

Chairman Jason Allen moved to adjourn the meeting. Andrew Phelan, Jr. seconded the motion for adjournment. The motion carried unanimously. The meeting adjourned at 7:20 p.m.

Respectfully submitted,

Andrew Phelan, Jr.
Secretary