

City of Albany Citizen's Police Review Board

Minutes of Meeting 5/7/2001
Community Room
200 Henry Johnson Blvd.

Present: Manuel Alguero, Rev. Kenneth Cox, Morris Eson, Marilyn Hammond, Judith Mazza, Herman Thomas, Eleanor Thompson, Paul Weafer, and Michael Whiteman.

The meeting was called to order at 7:15 p.m by Chairman Kenneth Cox.

Chairman Cox reviewed the proposed agenda for the meeting. Herman Thomas moved to accept the agenda. Manuel Alguero seconded the motion. All approved.

Michael Whiteman reviewed the minutes of the April meeting. Judith Mazza moved to approve the minutes. The motion was seconded by Manuel Alguero. All approved.

Chairman Cox called upon the committees to report. Morris Eson gave the report for the Complaint Form Committee. Morris Eson went through the revised the form and noted the changes that had been made based upon the feedback that had been received by the community. He complimented the work of the committee members and of the Police Department and the Corporation Counsel in reaching agreement on the language of the form. Morris noted that the form will be translated into Spanish. He noted the following revisions to the form: the term "civilian" is now replaced with "citizen." In response to the suggestion that the form contain a check-off for noting whether it was a violation of civil rights or use of excessive force, the Committee agreed that since it was the CPRB and not the Police Department that is to decide whether such an allegation is made for the purposes of appointing an observer, the check-off would not be necessary. Morris Eson noted that the notary requirement is now gone, replaced with a simple affirmation.

Morris Eson moved that the revised complaint form be accepted. Herman Thomas seconded the motion. All approved.

Manuel Alguero agreed to provide a Spanish translation of the form and he will forward it to the Government Law Center. It was agreed that the Spanish translation would be made available as a separate document. Patty Salkin asked whether the form that was just approved will be the form used tomorrow morning. Sargeant Bruno responded that it would. Patty Salkin said that the Government Law Center would provide the Police Department with copies of the form. Morris Eson thanked the Committee, the members of the CPRB, Sargeant Bruno, Commander Breen, Ennio Corsi and members of the community for their assistance and cooperation.

Chairman Cox also thanked everyone for their participation, and he announced that the

work of this committee was now complete.

Michael Whiteman then gave the report of the procedures committee. He reported that he, Kenneth Cox and Judith Mazza met with Sargeant Bruno, Ennio Corsi and the staff of the Government Law Center to identify issues that should be addressed in the operating procedures. The GLC drafted preliminary procedures which were edited by Michael Whiteman. Michael Whiteman distributed to the Board a copy of proposed procedures and said that they should be viewed as a start and a work in progress, and not a complete set of procedures. He explained that the procedures generally deal with what happens when the Government Law Center receives a complaint, how complaints are reviewed and whether monitors should be designated. Part I deals with what happens when complaints are initially received. Part II addresses review of complaints. Michael Whiteman reported that the Committee recommends that the Chair be primarily responsible for making the determination as to whether the monitor should be designated. Michael Whiteman said that this determination should be made by reading the complaint, and that the words written in the complaint should not necessarily be controlling. Chairman Cox clarified that he had disbanded the complaint form committee and not the complaint review committee. Part III discusses how an observer is to be designated. Michael Whiteman noted that the calls to investigators are to be made on a rotating basis but that the Board should not be held to a strict rotation. Part IV deals with expectations for the observers. Michael Whiteman reminded the Board that the appointment and involvement of the observer needs to happen in a quick manner. Part V addresses compensation for the observers, but it does not suggest a dollar amount yet. Michael Whiteman also noted that the procedures for how the observers will report to the Board have not been fully proposed. The following issues also need further discussion and recommendation: procedures for how the Board will conduct themselves in the review of complaints, including how the Board will make determinations as to whether there is an allegation of violation of civil rights or use of excessive force. Michael then asked for input from the Board members and asked people to get back to him over the next week to ten days with comments and suggestions.

Manuel Alguero said that the document covered a lot of questions and commented that this was good work. Michael Whiteman said that the Committee assumes that the CPRB may need to make changes and they work through the actual process and acquire experience. Judith Mazza suggested that the proposed guidelines should be viewed as a work in progress for the first six to twelve months, and that the Committee developed these as a framework to initially guide the process. Manuel asked whether the Committee needs approval of the draft. Michael Whiteman responded that the Committee still needs to fill in Part IV and that the Board should informally observe these as the Board moves forward, but not formally adopt them until a later date. Morris Eson suggested that a Complaint Review Committee was needed to work on these.

Chairman Cox said that a Complaint Review Committee should be organized. He

asked Paul Weafer to Chair the Committee. The following other members volunteered to work on the Committee: Herman Thomas, Michael Whiteman, Judith Mazza and Eleanor Thompson.

Chairman Cox said that the document as drafted should be kept as a work in progress. Paul Weafer asked whether a monitor would have a right to be present when people were being interviewed. Michael Whiteman responded that with agreement of witnesses and complainants the monitor could be present. The police officer's permission would be needed, but there would be transcripts/tapes available on a near real time basis, and a timely opportunity to make suggestions to investigative officers. Michael Whiteman noted that Board could not have procedures that interfere with full, fair and effective investigations.

Manuel Alguero moved to approve the draft operating procedures as a work in progress. Paul Weafer seconded. All approved.

Manuel Alguero moved to appoint the Committee on Complaint Procedures. Marilyn seconded. All approved.

Judith Mazza asked whether other Board members had comments on the procedures. Michael Whiteman inquired about appropriate levels of compensation for the investigators. Patty Salkin said that the Government Law Center would look into this issue.

The Public Education Committee then reported. Chairman Cox noted that earlier in the evening, he and Judith Mazza, along with Patty Salkin, taped a segment about the Board on the "Law Matters" cable television show. He said that the Committee is working on a brochure, and he showed a draft that the Government Law Center is working on. Chairman Cox also reported that the Committee is working with the Government Law Center on the development of a web site which will contain, among other things, letters from the Chairman, the Mayor and the Police Chief. He also stated that the Committee intends to start a Speaker's Bureau.

The next item of business was the draft second quarterly report prepared by the Government Law Center. Paul Weafer asked about the training component. Michael Whiteman suggested that the language not reflect that all Board members had completed the ride-alongs. Manuel Alguero moved to accept the report and he commended the work of the Government Law Center and their support. Judith Mazza seconded the motion. All approved.

Manuel Alguero noted that this year is the sesquicentennial of the Law School, and he moved that the CPRB pass a resolution congratulating the Law School on their 150th birthday. Paul Weafer seconded the motion. All approved.

Marilyn Hammond reported that she attended the recent Street Survival Program in Saratoga Springs. She said that everyone on the Board should have attended. The

program was very hands-on and offers a great deal of insight into mental, physical and emotional issues.

Chairman Cox said that since the by-laws have been adopted, there should be an election of permanent officers at the meeting next month. He also announced that the Board has been invited to the Police Officer's Union Retirement Dinner Friday night at Michaels in Latham.

Chairman Cox then opened the floor for public comment.

Louise Roback from the New York Civil Liberties Union commended the Board and the Police Department for the changes that were made to the complaint form. She asked whether the forms would be made available to interested organizations and how people would know the form is now available. Patty Salkin responded that the Government Law Center would send the forms out the next day, and that the Law School would, on behalf of the Board, issue a press release announcing that the new forms are available. Louise Roback inquired about the mediation process and the procedures to be followed. Paul Weafer noted that the Police Chief needs to approve the participation of the officers in the mediation. Patty Salkin responded that Karleen Karlson at the Government Law Center was working on the mediation component.

Tom McGraw from the Police Officer's Union invited the Board to the Civilian Recognition night dinner, and asked Board members to let him know if they were interested in attending.

Manuel Alguero moved to adjourn the meeting. The motion was seconded by Paul Weafer. All approved. The meeting was adjourned at 8:10pm.

Respectfully Submitted,

Michael Whiteman
Interim Secretary