

City of Albany Citizen's Police Review Board

Minutes of Meeting 6/04/2001
Albany Public Library
HBH Room

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

The meeting was called to order at approximately 7:05pm by Chairman Kenneth Cox.

Chairman Cox moved to amend the agenda by moving Part D of section V. "New Business" to section IV. "Committee Reports and Discussion" under Part C. Manuel Alguero seconded. All approved.

Discussion turned to the approval of the May meeting minutes. Chairman Cox moved to accept the minutes of the May meeting. Manuel Alguero seconded. All approved.

Judith Mazza gave the report of the Public Education Outreach Committee. She explained that the committee has met a couple of times since last meeting. She reported that both she and Chairman Cox had appeared on a cable show called, "Law Matters" where both she and the Chairman discussed the review board. She commented that the public outreach committee is in the process of developing a speakers bureau where the committee would schedule times to meet with community groups and organizations. She reported that the committee is currently working with the Government Law Center (GLC) to put together a brochure. She explained that they have an outline of the brochure, but are still working on content. She said a draft of the brochure will likely be available at the next meeting. She also reported that the committee is working on putting a web site together and is currently looking at information from other boards as examples.

Chairman Cox thanked Judith for her report and added that, in addition to meeting with community groups and organizations, the public outreach committee will be meeting with several public officials. He acknowledged Commissioner Nielsen and Tom McGraw. He said that Patricia Salkin is currently working on scheduling meetings for the public outreach committee and interested community organizations and groups, and that committee would like other members of the Board to attend these outreach meetings on a rotating basis. He noted, again, that the committee has been working on putting a web site together.

Chairman Cox moved to accept the committee report. Paul Weafer seconded and all approved.

Paul Weafer gave the Complaint Review Committee Report. He reported that there have been seven complaints submitted to the Board to date. He stated that there was a March 1999 complaint filed with the Board and explained that in order for the Board to

act on the complaint, the Board would have to go into executive session to consider the complaint. He noted that the complaint dealt with an allegation of excessive force. He moved to go into executive session, but recommended that this be done at the end of the public meeting. Chairman Cox seconded. All agreed.

The second complaint alleges rudeness. Mr. Weafer noted that a monitor was not appointed for the third complaint, alleging harassment/rudeness. The Board did, however, appoint a monitor for the fourth complaint, which in the Board's opinion, alleged excessive use of force. The fifth complaint alleging a violation of civil rights, which Mr. Weafer cited as the Bowman case, did not warrant appointment of a monitor. Mr. Weafer explained that the Board was seeking comment from the Police Department on bias policing. The sixth complaint was a domestic dispute and the seventh complaint, alleging a violation of civil rights resulted in the appointment of a monitor.

Mr. Alguero moved to accept the Committee's report. Michael Whiteman seconded the motion.

Morris Eson asked if these complaints were reviewed by all members of the Board. Paul Weafer responded that under the law, where there has been a violation of civil rights or excessive use of force, the Board is required to make an immediate decision. According to Mr. Weafer, the Chair makes the decision, but reaches out to three or four members of the Board on a rotating basis to come to a consensus as to whether the complaint is serious enough to appoint a monitor or not serious enough to appoint a monitor.

Chairman Cox then moved to accept the report. Morris Eson and Michael Whiteman seconded. All agreed. The meeting then turned to new business.

Chairman Cox explained that the Board deemed it necessary to draft a resolution on bias-based policing. He thanked Commissioner Nielsen for attending the meeting with the Board on this issue.

Commissioner Nielsen was recognized and explained that the meeting was a historical moment. He acknowledged that he and some members of the Board had met over the weekend to discuss issues related to bias-based policing. He also acknowledged the presence of the Police Department's Union Representative of Council 82, the representatives of Professional Standards and said that he proudly stands before the Board as a representative of all of those groups.

He commented that this Board is something that the Police Department and the citizens need and want and he pledged to work very hard on making it a success. He explained that the events leading up to the meeting were significant for two reasons: first, in one case, he had an opportunity to view all of the facts and feels comfortable in representing the officers by saying that he does not believe that the officer did anything wrong; and second, he does not know all of the facts of a subsequent incident, but noted that it is

the job of the Board to gather the facts and until all of the facts are in, he will give the officer the benefit of the doubt.

With regard to the first incident, Commissioner Nielsen stated that he had met with the Board and discussed the issue of racial profiling. According to the Commissioner, the Albany Police Department does not engage in racial profiling. He explained that racial profiling occurs with more frequency in highway patrolling. He said that bias-based policing is a more significant consideration, but commented that he does not believe that the Albany Police Department as an organization engages in bias-based policing. He stated that the Albany Police Department officers are, by in large, good employees and citizens, but recognize that sometimes “things go bad.”

The Commissioner expressed his hope that the Board comes in contact with the APD officers through training and ride alongs because they are good people. He stated that the incident over the past weekend shows that both he and the Board want the same thing, the finest Police Department in Albany. He reiterated that he honestly does not believe that the APD is, in any way, biased or guilty of profiling.

In closing, he commented that we all need to look at the Board as something positive and something that is going to work. Although he entered this with enthusiasm because he wanted the board, but with trepidation because he did not know what the Board would become, he is confident that the Board understands, through training and ride alongs that the Albany Police Department is a unique community and that an officer’s job is difficult, demanding, exciting and rewarding. He then thanked the Board.

Chairman Cox stated that before he read the resolution adopted by the Board, he would like to reiterate two things that Commissioner Nielsen said: the first being that the goal is to prevent something from happening that we all wish didn’t, and the second being that he would like the Board and the APD to work together to be proactive. Chairman Cox then read Resolution No. 1 of 2001. (See attached).

Chairman Cox then opened the meeting up for questions or comments.

Paul Weafer thanked Commissioner Nielsen for meeting with members of the Board to resolve some tough issues and stated that he hopes that this is the beginning of an excellent relationship.

Manuel Alguero commented that the meetings were good, noted that the Chair had expressed serious concerns with the issue of bias-based policing and appreciated the contributions of the Commissioner and the work that needs to be done and will be done so that the community can move forward to eliminate bias-based policing.

Marilyn Hammond commented that one thing she learned at the meeting was that the Board and the PD agree to disagree and accept one another’s decisions without being angry. She said that she was impressed with the progress being made by a Board and

the Commissioner and noted that it is tough to put a Board together of nine strangers and deal with all of the different personalities. She thanked Commissioner Nielsen for his time and commented that she enjoyed working with him in the past and will enjoy working with him in the future.

Herman Thomas commented that he has known the Commissioner for many years and although he was not at the meeting, he trusts the Commissioner. He then moved to accept the Resolution. Manuel Alguero seconded. All agreed.

Judith Mazza noted that she was not at the meeting, but said that the Board should work to change how people perceive the Police Department so that people know the officers are there to help the community not punish the community. She mentioned that training helps to give the Board a sense of what is going on and to training helps the officers be better at doing their jobs. She expressed her hope that the Board will be able to bring the community and the PD together. She then thanked the Board and Commissioner for having this discussion.

Manuel Alguero commented that he like the fact that the Board has invited the advocate groups to be part of the solution. He noted that it was good that representatives of some of those groups were present at the meeting and see themselves as participants in the process.

Morris Eson commented that the Resolution was a great improvement from the original version. He appreciated the Commissioner's review of the Resolution and noted that the current version was a very good outcome of the meeting, explaining that what needed to be said was said. He also commented that he has learned a great deal from both the training and the ride alongs and stated that a function of the Board is to back up the police by producing a sense of comfort with the community. He said that he hopes the Board will succeed.

Chairman Cox noted that he will see to it that the newly adopted Resolution is transmitted to the appropriate parties. He thanked the Board members for their comments and participation.

Discussion turned to election of permanent officers. Paul Weafer explained that election would have to be taken up at a special meeting or next monthly meeting. He then commenced the nomination process.

Paul Weafer nominated Kenneth Cox as permanent Chair. Chairman Cox accepted the nomination. Judith Mazza seconded the motion.

Chairman Cox nominated Herman Thomas as permanent Vice-Chair. Herman Thomas accepted. Paul Weafer seconded the motion.

Paul Weafer nominated Michael Whiteman as permanent Secretary. Michael Whiteman

accepted. Judith Mazza seconded the motion.

All agreed on the nominations.

Chairman Cox stated that he would like to meet the following week to vote on the new officers. It was decided that this meeting would take place on Monday, June 11, 2001 at Albany Law School.

Discussion turned to scheduling the next two monthly meetings. It was decided that the next two meetings would be tentatively scheduled for July 16, 2001 and August 20, 2001.

Chairman Cox reminded the Board of the NACOLE Annual Meeting taking place in October 2001 and that Patricia Salkin had, prior to the meeting, given the Board members information about the NACOLE meeting. Patricia Salkin referred to and read the information. (See attached).

Patricia Salkin mentioned that Government Law Center staff member, Karleen Karlson had attended the meeting last fall and deferred to Ms. Karlson for further comment.

Karleen Karlson said that she had an excellent experience at the NACOLE conference last fall. She said that it was the hardest working conference that she had ever attended. She noted that the conference attendees were extremely generous in sharing knowledge and information. She found that Don Casimere, the current NACOLE president, to be extremely helpful and informative in sharing information about law enforcement oversight. She said that it would be worthwhile for members of the Board to attend.

Patricia Salkin suggested that the Chair get together with the City and the Commissioner to discuss sending a delegation to the conference. She said that she would leave information with the Board.

Paul Weafer thanked Sargeant Tony Bruno, Commander Paula Breen and Tom McGraw for there exception service to the Board.

Chairman Cox thanked Louise Roback, Jake Kowalski and the community groups for their support. He then opened the floor for public comment.

Louise Roback was recognized. She commented that the ACLU is greatly concerned about the issue of racial profiling. She stated that education is not enough to prevent officers from engaging in this type of behavior. She said that a policy within the Police Department would be more effective. She explained that such a policy should direct officers that there should be no racial profiling in, for example, "the following circumstances..." She suggested data collection as a good technique for evaluating whether or not the purpose of police encounters are improper and whether they meet

Fourth Amendment standards. She recommended that officer's record stops, noting race. She explained that this would be a tool for evaluating the police department and determining if further review is warranted.

Commissioner Nielsen responded that a policy is being developed for insertion into the Standard Operating Procedure. He noted that the meeting that he scheduled with Ms. Roback later in the week would address these issues. He explained that the purpose of the meeting is to get input on this policy. With regard to Ms. Roback's comments on data collection, the Commissioner noted that she was speaking about contact cards that officers must fill out during a stop. He said that the Police Department is looking into having officers record race on the cards. He commented that the PD is cognizant of the issue and is in the process of working on it.

Morris Eson noted that Patricia Salkin had previously provided members of the Board literature on racial profiling. He commented that, based upon his reading of the literature, it is not easy to compile data on racial profiling.

Paul Weafer asked whether the police departments are engaging in data compiling pursuant to the Department of Justice lawsuit or whether this practice is done because there are higher incidents of racial profiling in a particular area. Louise Roback responded by saying that some departments are doing it because they are required to do so by statute.

Ron Hey, President of Council 82, was recognized. He commented that, at first, he was adamantly opposed to the review board, but that his fears are being pushed to the way side. He explained that 102% of the officers he represents are fantastic cops and views the Board not as an adversary, but as a liaison between the Police Department and the citizens. He stated that in the past, "the media has blown a lot up." He stated, however, that the union wants to work with the Board. He commended Commissioner Nielsen and the Office of Professional Standards for their work. He noted that the Union is concerned about one thing, honesty. He explained that as long as politics does not prevail, the Union will be happy. He recognized the fact that it is a difficult job to do; he knows how tense the job is and he understands the tension with the citizens. He said that the Union's only request is that the Board do its job, be committed to doing its job, to be open, honest and objective. He noted that the only place to go is forward. He ended by saying that the officer's contractual rights have been a bone of contention from the start and urges the Board to treat the officer's fair.

Chairman Cox asked if there were other comments from the Board or public. A gentleman responded by saying that he was in attendance at the meeting as a victim. He had a previous encounter with an officer in which he was called derogatory names and suffered injury for which medical attention was required. He wanted to know if his complaint would be addressed. Paul Weafer asked him if he had filed his complaint in 1999. The gentleman responded in the negative and stated that his complaint arises from a May 2001 incident. The gentleman then said that he did not know what the

Board's role is. He explained that he was concerned about his treatment and the treatment of young people in his community. He is concerned because he has a 5 year old child. He wanted to know how to stop the killing and racial profiling in his neighborhood. He challenged the Board to face the facts about what is really going on. He thanked the Board for their time.

The Board moved into executive session for the review of complaints with the Office of Professional Standards.

Executive session concluded and the meeting was adjourned at approximately 8:15 p.m.

Respectfully,

Michael Whiteman
Secretary