

# City of Albany

## Annual Report 2010

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



**CITIZENS' POLICE REVIEW BOARD**

Tenth Annual Report of the City of Albany  
Citizens' Police Review Board

**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

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## **BACKGROUND**

In July 2000, legislation creating the City of Albany Citizens' Police Review Board (the "Board") was signed into law, adding part 33 to Chapter 42 (Departments and Commissions) of the Code of the City of Albany. The purpose of this legislation was to create an independent review body to review and comment on completed investigations of complaints made by citizens against officers of the City of Albany Police Department for alleged misconduct. Its goals were to improve communication between the Police Department and the community, to increase police accountability and credibility with the public, and to create a complaint review process that is free from bias and knowledgeable of actual police practices.

## **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 (GLC)** – 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 (OPS)** – The Professional Standards Unit of the City of Albany Police Department.

## **INTRODUCTION**

In a unique arrangement, 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. Among the services to be provided, § 42-340 of the legislation requires that the Government Law Center "file annual reports with the Common Council and the Mayor [,] which contain statistics and summaries of citizen complaints, including a comparison of the [Board's] findings with the final determinations of the [Police] Department" on behalf of the Board. This is the Tenth Annual Report so submitted, covering the Board's operations from November 1, 2009 to October 31, 2010.

## **ORGANIZATION OF THE BOARD**

The Board is comprised of nine members, five members appointed by the Common

Council, and four members appointed by the Mayor, who serve for three-year staggered terms. In selecting the members of the Board, the legislation provides that the Common Council and the Mayor shall endeavor to reflect community diversity in their appointments, and requires that members of the Board reside in the City of Albany; possess a reputation for fairness, integrity, and responsibility; have a demonstrated interest in public affairs and services; and neither be an officer or employee nor a relative of an officer or employee of the City of Albany.

The following members constituted the Board during its tenth year of operation:

**Jason Allen**

Appointed: 10/18/2004  
Re-Appointed: 10/26/2008  
Term Expires: 10/26/2011

**Andrew Phelan, Jr.**

Appointed: 9/26/2006  
Re-Appointed: 3/23/2010  
Term Expires: 10/26/2012

**Ronald Flagg**

Appointed: 10/18/2004  
Re-Appointed: 10/26/2007  
Term Expired: 10/26/2010

**Anthony Potenza**

Appointed: 10/5/2006  
Re-Appointed: 10/26/2008  
Term Expires: 10/26/2011

**Jean Gannon\***

Appointed 1/28/2009  
Re-Appointed: 12/21/2009  
Term Expires: 10/26/2012

**Reverend Edward Smart**

Appointed: 3/20/2008  
Re-Appointed: 3/23/2010  
Term Expires: 10/26/2012

**Marilyn Hammond**

Appointed: 12/3/2008  
Term Expires: 10/26/2011

**Akosua Yeboah**

Appointed: 12/21/2009  
Term Expires: 10/26/2012

*\* resignation effective August 2010*

*Appointments and Re-Appointments*

In its tenth year of operation, the Board had one (1) vacancy to be filled by City of Albany Mayor Gerald Jennings and two (2) vacancies to be filled by the City of Albany's Common Council.

First Quarter

The City of Albany's Common Council re-appointed Board member Jean Gannon as a member of the CPRB to serve a three-year term which will expire on October 26, 2012. During the first quarter, the Common Council appointed Akosua Yeboah as a member of the CPRB to serve a three-year term which will expire on October 26, 2012.

Second Quarter

City of Albany Mayor Gerald Jennings re-appointed Board members Reverend Edward Smart and Andrew Phelan, Jr. as members of the CPRB to serve three-year terms which will

expire on October 26, 2012.

### Third Quarter

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 Board member Daniel Fitzgerald and the upcoming vacancy which would be left by Board member 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.

### Fourth Quarter

The Government Law Center sent a letter to the Mayor and Common Council requesting that the Mayor and Common Council fill the vacancies left by Board members Daniel Fitzgerald, Jean Gannon, and Ronald Flagg.

### *Resignations*

During the fourth quarter of 2010, 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.

### *New Member Orientation Program*

According to § 42-339 of the legislation, "[c]ompletion of the orientation program concerning the goals, powers, and procedures of the [Board] is required before a member may participate as a voting member. In addition, graduation from the Albany Police Department's Citizen Police Academy . . . within six months of the start of the member's term is required."

During the first quarter of 2010, Board member Akosua Yeboah attended and participated in the Board's orientation program which consisted of two (2) sessions. The first session of the orientation program was coordinated and facilitated by the Government Law Center to educate the new member about the Board's organization and operation and included training on the CPRB Legislation; By-Laws and Rules of Procedure; the Complaint Review Process; the Board's Public Education and Community Outreach Program; the Role of the Government Law Center as administrative staff; the Open Meetings Law; the Freedom of Information Law; Section 50-a of the New York Civil Rights Law; an introduction to laws relating to Civil Rights violation and excessive use of force; and ethics. The second session of the orientation program was coordinated and facilitated by the Albany Police Department's Office of Professional Standards to comprise of training to educate Ms. Yeboah on the APD's organization and operation.

### *New Member Citizens' Police Academy*

During the second and third quarter of 2010, new Board member Akosua Yeboah and

Coordinator of the Board Sharmaine Moseley attended the APD's Citizens' Police Academy. Attendance at the Academy is a part of the Board's training requirement. The Citizens' Police Academy consists of fifteen (15) three-hour training sessions. These sessions included an overview of the Albany Police Department, including its command structure; patrol unit; and the Office of Professional Standards. As part of the training requirement, Ms. Yeboah is required to participate in a ride-along with an APD officer. The ride-along consists of a Board member riding with an APD officer during his/her work shift. This serves as an opportunity for the Board members to observe the interaction between the officers and the community.

*Officers*

During its tenth year of operation, the Board's officers were:

- Chair            Jason Allen
- Vice-Chair    Ronald Flagg (*until the beginning of the second quarter of 2010*)  
Rev. Edward B. Smart (*beginning in the second quarter of 2010*)
- Secretary     Andrew Phelan, Jr.

During the first quarter of 2010, nominations were held for officer positions pursuant to Article IV, Section 1 of the Board's By-Laws. Jason Allen was nominated for the Chair position, Ronald Flagg and Reverend Edward Smart were nominated for the Vice-Chair position, and Andrew Phelan, Jr. was nominated for the position of Secretary. Ronald Flagg declined the nomination for Vice-Chair. The slate was presented, voted on, and approved unanimously at the Board's February 18, 2010 meeting. Jason Allen was re-elected as Chairman; Reverend Edward Smart was elected as Vice-Chair; and Andrew Phelan, Jr. was re-elected as Secretary.

*Committees and Task Forces*

At the Board's January 14, 2010 meeting, nominations and elections were held for the chair and member positions of the Board's committees and task force. The Board agreed to not make any changes to the current chair and member positions. The slate was presented, voted on, and approved unanimously.

The following committees and task force were operational and active in the Board's tenth year of operation, with each Board member serving on at least one committee/task force:

- By-Laws and Rules*                    Jason Allen (Chair)
- Community Outreach*                Rev. Edward Smart (Chair)  
Jason Allen (*ex-officio*)  
Akosua Yeboah (*commenced in 3<sup>rd</sup> Quarter*)
- Complaint Review*                    Andrew Phelan, Jr. (Chair)  
Jason Allen  
Ronald Flagg

Jean Gannon (*ended in 3<sup>rd</sup> Quarter*)  
Marilyn Hammond  
Anthony Potenza  
Akosua Yeboah

*Mediation* Jason Allen (Chair)

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

*Public Official Liaison* Ronald Flagg (Chair)  
Jason Allen (Co-Chair)  
Marilyn Hammond  
Andrew Phelan, Jr.  
Anthony Potenza  
Akosua Yeboah (*commenced in 3<sup>rd</sup> Quarter*)

*Task Force on Monitors* Jean Gannon (Chair) (*ended in 3<sup>rd</sup> Quarter*)  
Jason Allen (*ex-officio*)

## **BY-LAWS AND RULES/MEDIATION**

### First Quarter

The Board took further steps toward determining how long a complaint should remain open until it is closed. According to Board legislation, there is a sixty (60) day standard cycle for complaints. However, the Board determined that this sixty day cycle may not be realistic and requested that the OPS gather data on how long it takes to process complaints. The Board asked the GLC to research other municipalities' timelines on processing complaints to further help determine a reasonable deadline for closing complaints. In January 2010, the OPS gave the Board a written report on how many investigations the OPS handled and the average number of days spent on each investigation. The initial findings of the report indicated that it takes approximately four and half months for the OPS to complete its investigations. The Board planned to meet with the Common Council to discuss the findings of the report and determine if the legislation should be amended.

In November 2009, members of the Board and GLC staff met with APD union representatives and command staff to discuss the concerns the union has had with the mediation protocol. It was agreed that the Board's legislation may need to be revised based on the protocol. The Board's Counsel, Patrick Jordan, agreed to draft up the revisions to the legislation.

### Second Quarter

The Board asked its new Board Counsel, William Kelly, to follow up on why the meeting regarding the mediation protocol with the APD police union representatives and command staff is not moving forward.

The Board agreed to schedule meetings with the Common Council's Public Safety Committee and Deputy Mayor Philip Calderone for April 2010 for the purpose of updating them on the Board's ongoing initiatives.

### Third Quarter

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.

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

### Fourth Quarter

The Albany Police Department's Union Counsel Christine Caputo-Granich, informed the Board that due to the petition that was filed by the Public Employment Relations Board (PERB) seeking to decertify from Council 82 and Local 2841, all negotiations with these Unions must cease until a determination has been made as to who will represent Local 2841. As a result, the Board sent an e-mail to Police Chief Steven Krokoff inquiring about the next steps necessary towards the implementation of the mediation program. The Board asked the Government Law Center to schedule a meeting with Chief Krokoff to discuss the mediation program, cameras in police vehicles, and the Early Warning System.

## **COMMUNITY OUTREACH**

### First Quarter

In January 2010, Chairman Jason Allen and Committee Chairman Reverend Edward Smart conducted an outreach meeting with the Center Square Neighborhood Association.

During this quarter, an outreach meeting was scheduled with the New York Civil Liberties Union for February 24, 2010 at Albany Law School.

### Second Quarter

Members of the Outreach Committee conducted an outreach presentation to the National Association for the Advancement of Colored People (NAACP)'s Executive Committee, the Center Square Neighborhood Association, the Second Avenue Neighborhood Association, and the Park South Neighborhood Association to update them on the Board's four (4) initiatives: cameras in the patrol cars, mediation, the complaint process, and the Early Warning System. The Outreach

Committee was scheduled to meet with the New York Civil Liberties Union (NYCLU), but the meeting was cancelled due to scheduling conflicts.

The Outreach Committee continued to make an on-going effort to reach out to the twenty-eight (28) designated neighborhood associations in Albany to schedule meetings to discuss the Board's current initiatives.

### Third Quarter

The Outreach Committee continued reaching out to neighborhood associations who 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, shall be responsible for the presentation of a particular complaint to the Board at its regular, monthly meetings, as assigned by the Chair of the Committee.

The following Board members were appointed to serve on the Committee in the tenth year of operation:

<i>November 2009</i>	Jason Allen, Jean Gannon, Anthony Potenza, and Reverend Edward Smart.
<i>December 2009</i>	Jason Allen, Jean Gannon, Marilyn Hammond, Andrew Phelan, Jr. and Anthony Potenza.
<i>January 2010*</i>	Jean Gannon, Andrew Phelan, Jr., Anthony Potenza, and Reverend Edward Smart.
<i>February 2010</i>	Jason Allen, Jean Gannon, Andrew Phelan Jr., and Anthony Potenza.
<i>March 2010</i>	Jason Allen, Marilyn Hammond, Anthony Potenza, Reverend Edward Smart, and Akosua Yeboah.
<i>April 2010</i>	Jason Allen, Jean Gannon, Anthony Potenza, and Reverend Edward Smart.
<i>May 2010*</i>	Marilyn Hammond, Andrew Phelan Jr., and Reverend Edward Smart.
<i>June 2010</i>	Jason Allen, Marilyn Hammond, Andrew Phelan, Jr., Reverend Edward Smart, and Akosua Yeboah.
<i>July 2010</i>	<i>The Board did not meet in July 2010.</i>

<i>August 2010</i>	<i>The Board did not meet in August 2010.</i>
<i>September 2010</i>	Jason Allen, Marilyn Hammond, Andrew Phelan, Jr., Anthony Potenza, Reverend Edward Smart, and Akosua Yeboah.
<i>October 2010*</i>	Jason Allen, Marilyn Hammond, Andrew Phelan Jr., Anthony Potenza, and Reverend Edward Smart.
<i>November 2010</i>	Jason Allen, Marilyn Hammond, Andrew Phelan, Jr., Reverend Edward Smart, and Akosua Yeboah.

*\*Complaint review not assigned for month; Board members listed are those who reviewed complaints during that month's meeting.*

## **COMPLAINT REVIEW: 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.”

### First Quarter

The Board received twenty-six (26) new complaints in addition to its forty-eight (48) active complaints and eleven (11) suspended complaints. Monitors were appointed to investigate seven (7) of the twenty-six (26) new complaints. Of the seventy-four (74) complaints before the Board, the Board presented ten (10) complaints for review and rendered findings for the allegation(s) contained in all ten (10) complaints. These ten (10) complaints contained a total of nineteen (19) allegations of misconduct. As to the ten (10) complaints reviewed, the Board made findings consistent with the preliminary findings of the Office of Professional Standards in all ten (10) cases.

### Second Quarter

The Board received nineteen (19) new complaints in addition to its sixty-four (64) active complaints and eleven (11) suspended complaints. All eleven (11) of the suspended complaints were carried over from previous quarters. Monitors were appointed to investigate eight (8) of the nineteen (19) new complaints. Of the eighty-three (83) complaints before the Board, the Board presented eleven (11) complaints for review and rendered findings for the allegation(s) contained in nine (9) complaints. These nine (9) complaints contained a total of twenty-five (25) allegations of misconduct.

Of the eleven (11) complaints reviewed, Board action was taken on two (2) 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 the complaints. Of the nine (9) 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 eight (8) cases.

### Third Quarter

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; and 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.

### Fourth Quarter

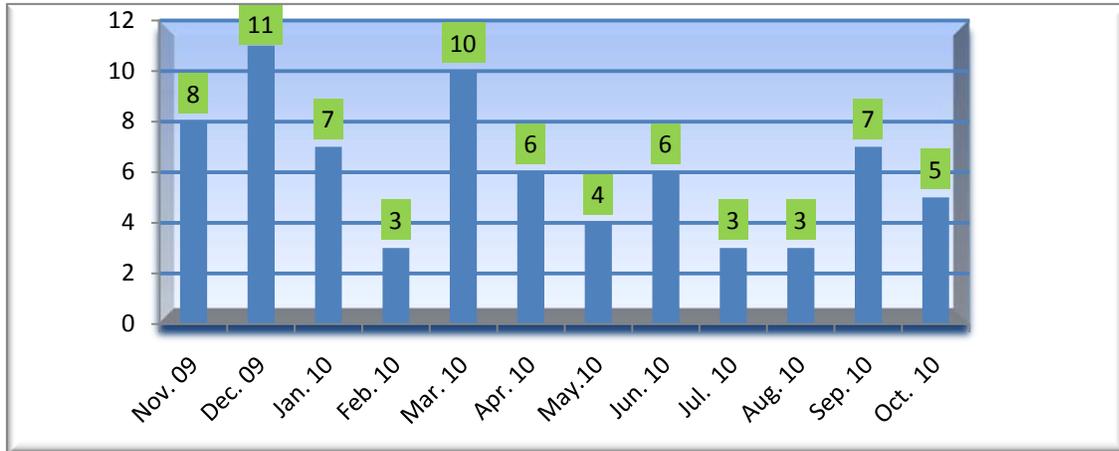
The Board received fifteen (15) new complaints in addition to its seventy-one (71) active complaints and eleven (11) suspended complaints. Monitors were appointed to investigate seven (7) of the fifteen (15) new complaints. Of the eighty-six (86) complaints before the Board, the Board presented thirteen (13) complaints for review and rendered findings for the allegation(s) contained in twelve (12) complaints. These twelve (12) complaints were closed and contained a total of thirty-one (31) allegations of misconduct.

Of the fifteen (15) new complaints, Board action was taken on one (1) complaint. This action included the Board voting unanimously not to accept and review the one (1) complaint because the complaint was not filed within six (6) months after the incident occurred. The alleged incident occurred on December 27, 2009. The complaint was filed on September 22, 2010. Of the thirteen (13) complaints reviewed, Board action was taken on one (1) complaint. This action included: the Board voting unanimously to table rendering its findings on four (4) out of six (6) allegations in the complaint and requesting that the OPS consider submitting the four (4) allegations to be mediated between the complainant and the officer. Of the twelve (12) 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 twelve (12) cases. The case in which four (4) out of six (6) allegations were sent to mediation, the Board made findings that were consistent with the preliminary findings of the Office of Professional Standards for two (2) allegations. The Albany Police Department's determinations for this case have not been decided yet.

### *Number of Complaints Filed*

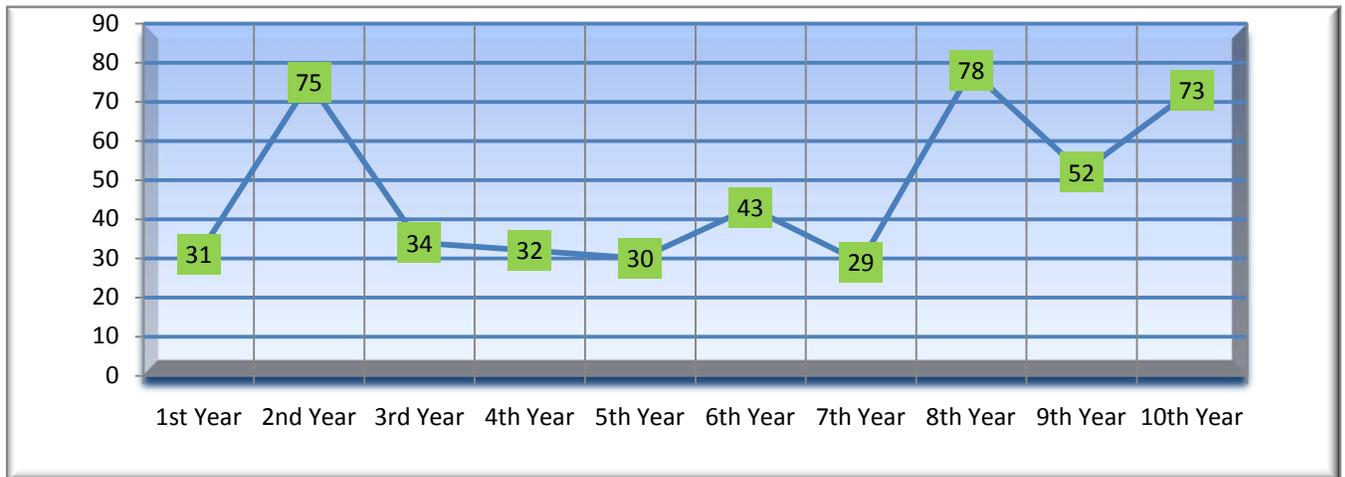
During its tenth year of operation (November 1, 2009 to October 31, 2010), the Board

received a total of seventy-three (73) new complaints (See Figure 1.) The Board received an average of six (6) complaints per month from November 2009 to October 2010. These complaints included those filed with the Board directly (filed either in person, by regular U.S. mail, or via facsimile) and those filed with the Board through the Office of Professional Standards (OPS).



**Figure 1:** Monthly breakdown of complaints filed November 1, 2009 to October 31, 2010  
Total seventy-three (73).

Since the Board's inception (October 27, 2000 to October 31, 2010), the Board received a total of four hundred and seventy-seven (477) complaints (See Figure 2.) The Board received an average of forty-eight (48) complaints per year. These complaints included those filed with the Board directly (filed either in person, by regular U.S. mail, or via facsimile) and those filed with the Board through the Office of Professional Standards (OPS).



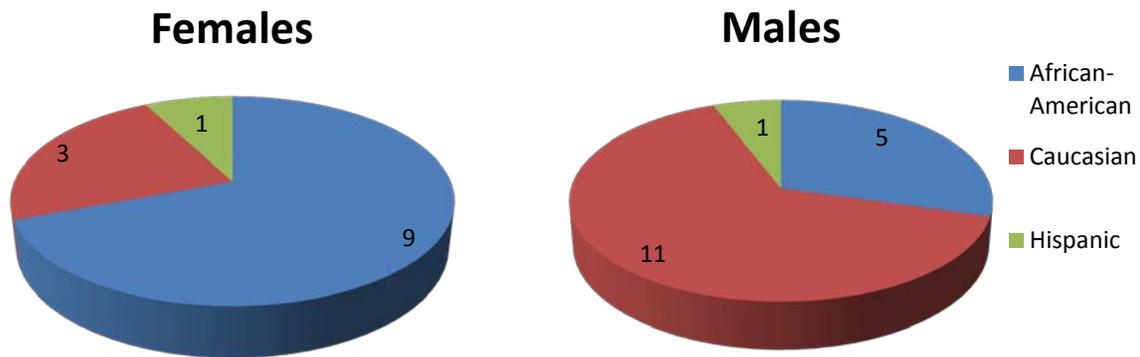
**Figure 2:** Yearly breakdown of complaints filed October 27, 2000 to October 31, 2010  
Total four hundred and seventy-seven (477).

### Appointment of Monitors

Under § 42-343(B)(1) of the legislation, the Board is required to appoint an individual to observe and monitor the Office of Professional Standards' investigation of a complaint "in the event the complaint alleges use of force or a violation of civil rights." Of the seventy-three (73) complaints filed in the tenth year, the Board appointed a monitor to observe the OPS's investigation of twenty-seven (27) complaints.

### Race/Ethnicity and Gender of the Complainant and the Officer(s)

Complainants who file a Citizen Complaint Form with the Board may, at their option, include information relating to their race/ethnicity and gender. Of the seventy-three (73) complaints filed with the Board in the tenth year, thirty-five (35) contained information from the complainant regarding the complainant's gender. Of the seventy-three (73) complaints filed with the Board in the tenth year, thirty-one (31) contained information from the complainant regarding the complainant's race/ethnicity. Of the seventy-three (73) complaints, thirty (30) contained information from the complainant regarding the complainant's gender and race/ethnicity. The thirty (30) identified complainants out of these seventy-three (73) complaints, were comprised of: nine (9) African-American females; five (5) African-American males; three (3) Caucasian females; eleven (11) Caucasian males; one (1) Hispanic female; and one (1) Hispanic male (See Figure 3).



**Figure 3:** Race/Ethnicity and Gender of the Complainant

Of the seventy-three (73) complaints filed with the Board in the tenth year, seventy-one (71) were submitted on a complaint form; while two (2) complainants submitted a written complaint not using the Citizen Complaint Form. Of those seventy-one (71) complaints, forty-one (41) complainants chose not to submit information regarding their race/ethnicity and/or gender. However, in thirty-seven (37) of the forty-one (41) complaints, the gender of complainant, twenty-one (21) males and sixteen (16) females, were determined by language contained in the complaint form, the Office of Professional Standards' preliminary report, and/or the report of the monitor, if a monitor was assigned to the complaint. In five (5) of the seventy-one (71) complaints, the complainants submitted information about their gender but not race/ethnicity.

In addition to the optional section provided for complainants, the Citizen Complaint Form provides a section for the complainant to enter descriptive information about the officer (s) who subject of the complaint. In this section, the complainant is asked to provide race/ethnicity and gender information about the officer(s), if known. Eighty-one (81)<sup>1</sup> police officer descriptions, including race/ethnicity and/or gender, were included within the seventy-three (73) complaints filed with the Board in the tenth year.

Forty-six (46) of the seventy-three (73) complaints filed with the Board included information about the police officer's gender provided by the complainants. Fifty-one (51) of the eighty-one (81) police officer gender descriptions, however, were redacted by the Office of Professional Standards. Of the fifty-one (51) police officer gender descriptions that were redacted, the gender of thirty-eight (38) officers (male) and one (1) officer (female), were assumed from the language contained in the complaint. Sixteen (16) of the eighty-one (81) police officer gender descriptions were not redacted by the Office of Professional Standards. Of the sixteen (16) police officer gender descriptions that were not redacted, the genders of fifteen (15) police officers were male and one (1) police officer was female. Concerning the gender information of the forty-four (44) police officers that was not provided by the complainant, the genders of twenty-two (22) male police officers and two (2) female police officers were assumed from the language contained in the complaint.

The ethnicity/race of sixty-five (65) police officers was provided by the complainants. Forty-eight (48) of the sixty-five (65) police officer ethnicity/race descriptions, however, were redacted by the Office of Professional Standards. Therefore, in those forty-eight (48) descriptions, the ethnicity/race of the police officers could not be ascertained from the language contained in the complaints. The seventeen (17) police officer ethnicity/race descriptions that were not redacted, identified two (2) police officers as African-American and fifteen (15) police officers as Caucasian.

Of the seventy-three (73) complaints filed with the Board in the tenth year, descriptions regarding their race/ethnicity and/or gender for police officers in twenty-eight (28) complaints were either not included or the information was unknown. Fifteen-nine (59) police officer names were provided by the complainant, but were redacted by the Office of Professional Standards.

### *Allegations Contained in the Complaints*

In the tenth year of operation, the numbers of allegations were determined in sixty-one (61) of the seventy-three (73) complaints filed with the Board. Eighteen (18) of the sixty-one (61) complaints contained a single allegation of misconduct against an officer or officers of the Albany Police Department. Forty-three (43) of the sixty-one (61) complaints contained multiple allegations, with a majority of these complaints averaging three (3) misconduct allegations. The allegations could not be determined for twelve (12) of the seventy-three (73) complaints filed with

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<sup>1</sup>It should be noted that the Board is not privy to any information that would identify the officers who are the subject of a citizen complaint. Therefore, it not known whether these eighty-one (81) police officer descriptions are of eighty-one (81) different officers or are of a number of the same officers.

the Board, because no complaint form was filed for two (2) of those complaints; one (1) complaint was closed with no review; and OPS preliminary reports were not received for nine (9) of those complaints.

One hundred and forty-three (143) allegations were made in the sixty-one (61) complaints where allegations could be determined. Of the one hundred and forty-three (143) allegations, the Board identified four (4) categories of allegations. Seventeen (17) sub-categories of allegations were also identified, one (1) of which fell under the category of Arrest Authority and Procedures, seven (7) of which fell under the category of Call Handling, six (6) of which fell under the category of Unprofessional Conduct Standards, and three (3) of which fell under the category of Use of Force. In identifying these categories and subcategories of allegations, the Board accounted for the complainant’s own classification of the allegations contained in his or her complaint.

<b>Arrest Authority and Procedures</b>	2
False/Illegal/Improper/Unlawful Arrest	1
<b>Call Handling</b>	13
De-Activate Mobile Video/Audio	1
Illegal/Improper/Unlawful Stop/Detention/Questioning/Search/Harassment	4
Illegal/Improper/Unlawful Entry into Private Residence	1
Illegal/Improper/Unlawful Ticketing	1
Improper Handling of Personal Property	1
Failure/Refusal to Provide Information/Assistance	11
Failure to Complete Report/Investigate/Handle Report	4
<b>Unprofessional Conduct Standards</b>	25
Rude/Disrespectful	6
Derogatory/Inappropriate/Profane/Offensive/ Vulgar/Threatening/Racially-Biased/ Unnecessary Language	28
Illegal/Improper/Unlawful Ticketing/ Unlawful Ticketing in Retaliation	2
Intimidation	2

Harassment	2
Racial Bias	1
<b>Use of Force</b>	2
Excessive Use of Force	14
Unnecessary Use of Force	21
Improper Use of Force	1

**Figure 4:** Allegations Contained in Complaints Filed - Total 143

Figure 4 illustrates the allegations made in sixty-one (61) identifiable complaints filed with the Board. Given that many of these complaints contained more than one allegation, the total number of allegations made is not equal to the number of complaints filed with the Board.

Two percent (2%) of the allegations identified in the sixty-one (61) complaints filed with the Board were classified as arrest authorities and procedures.

Twenty-five percent (25%) of the misconduct alleged was classified as call handling. Call handling included: de-activated mobile video/audio; illegal, improper; or unlawful searches; harassment; stops; detention; questioning; ticketing; handling of personal property; and entry into a private residence. Stops included pedestrian stops as well as traffic stops. Allegations of call handling also included: failure or refusal to provide information or assistance or failure to complete a report or investigate.

Forty-six percent (46%) of the allegations identified in the complaints were classified as unprofessional conduct standards. Unprofessional conduct standards included allegations of rude/disrespectful behavior toward the complainant; language; harassment; intimidation; racial bias; and unlawful ticketing. Language was identified as unnecessary, derogatory, inappropriate, profane, offensive, vulgar, threatening, or racially-biased.

Use of force accounted for twenty-seven percent (27%) of the misconduct alleged. The use of force allegations were identified as excessive, unnecessary, or improper use of force.

#### *Suspension of Review*

“Upon the written recommendation of the Corporation Counsel, the Common Council or the Mayor may suspend the [Board’s] review of any complaint where a separate criminal investigation is underway or where a civil action against the City is underway, or pending.” (See § 42-348). At the beginning of its tenth year of operation, the Board had eleven (11) suspended complaints which were carried over from previous years of operation. At the end of the tenth year, the Board had eleven (11) suspended complaints.

## *Board and Police Department Findings*

At the conclusion of the Office of Professional Standards' investigation of a citizen complaint, the Police Department is required to submit a preliminary report of its findings to the Board. (See § 42-343(E)). Following its review and deliberation of a complaint, which may include, in appropriate cases: 1) review of the complaint, the OPS's preliminary report, the monitor's report, if one has been assigned to the complaint, transcripts, and any other information contained in the Board's complaint file and the OPS's investigative file, which is not confidential and/or otherwise protected by state, federal, local law, or by the collective bargaining agreement; 2) presentations made by monitors; and 3) questioning of detectives from the OPS and officers of the Police Department, the Board is authorized by § 42-343(F)(1) of the legislation to render a finding or findings on the complaint. The Chief of Police must then "review the Department's preliminary report in light of the [Board's] finding and . . . make the Department's final determination." (See § 42-345).

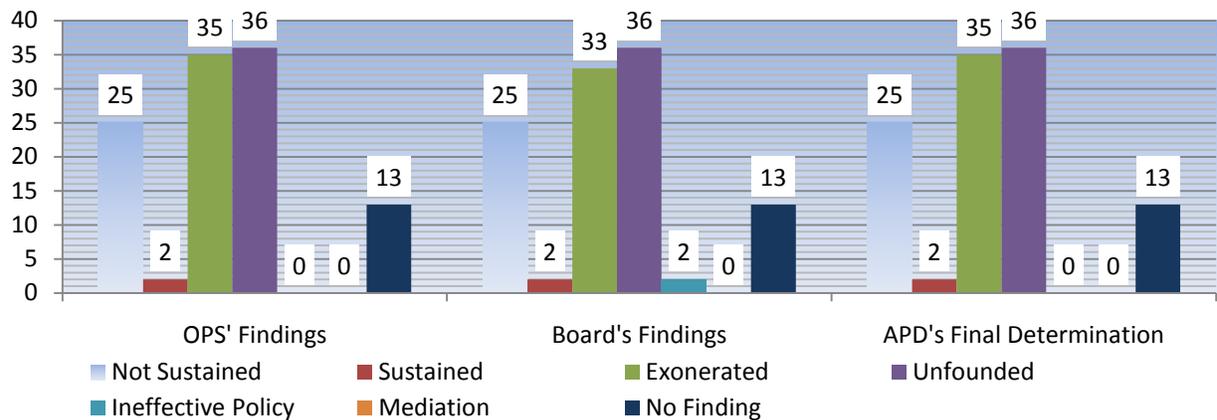
### 2008-2009

At the conclusion of the Board's ninth year of operation, findings had not yet been made with respect to forty-eight (48) active complaints. One (1) of the forty-eight (48) complaints was filed in the Board's fifth year of operation (November 1, 2004 - October 31, 2005). Nine (9) of the forty-eight (48) complaints were filed in the Board's eighth year of operation (November 1, 2007 - October 31, 2008). These complaints were not reported and rendered findings in the Board's Ninth Annual Report and were, therefore, carried forward into the tenth year.

### 2009-2010

In the Board's tenth year of operation, seventy-three (73) complaints were filed with the Board. In addition, forty-eight (48) complaints were carried forward from the Board's ninth year of operation. The Board reviewed fifty (50) complaints and rendered findings for forty-seven (47) complaints. Forty-one (41) of the fifty (50) complaints reviewed were previously not reviewed and were, therefore, carried forward into the Board's tenth year of operation. Out of the forty-one (41) complaints that were carried forward from the Board's ninth year of operation, the Board reviewed and rendered findings for thirty-nine (39) of those complaints.

Out of the seventy-three (73) complaints that were filed in the Board's tenth year, the Board reviewed and rendered findings for the allegations contained in one (1) complaint that was filed in the fifth year and carried forward into the tenth year; eight (8) complaints that were filed in the eighth year and carried forward into the tenth year; thirty (30) complaints that were filed in the ninth year and carried forward into the tenth year; and eight (8) complaints that were filed in the tenth year.



**Figure 5:** 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 (November 1, 2009 - October 31, 2010).

In its tenth year of operation, since twenty-nine (29) of the forty-seven (47) complaints that were reviewed and closed contained multiple allegations of misconduct, the number of findings made is not equal to the number of complaints in which findings were rendered. The forty-seven (47) complaints that were reviewed and closed contained a total of one hundred and eleven (111) allegations of misconduct.

As to the forty-seven (47) complaints reviewed and closed, the Board made findings consistent with the preliminary findings of the Office of Professional Standards in forty-six (46) cases.

*Further Investigation*

Under § 42-343(F)(2) of the legislation, the Board may, after its “review and deliberation of the preliminary report of the Department’s finding . . . request that Professional Standards conduct further investigation of the complaint.”

In its tenth year of operation, of the fifty (50) complaints reviewed, the Board sent three (3) complaints reviewed back to the Office of Professional Standards for further investigation. These complaints involved twelve (12) allegations of conduct standards. One (1) of these complaints was reviewed twice during the tenth year and closed. The findings for two (2) complaints are still being investigated by the OPS and will not be reported in the Board’s Tenth Annual Report. These two (2) complaints will be carried forward into the eleventh year.

*Mediation*

After a complaint is filed, § 42-346(C) of the legislation provides that “the complainant or officer may at any time in the review process utilize the [Board’s] mediation process . . . to resolve the complaint. Additionally, the Board is authorized under § 32-343(F)(4) to refer the complaint to mediation following its review and deliberation of the Department’s preliminary report of its

findings. In the tenth year, the Board forwarded one (1) complaint to the OPS to request that four (4) of the allegations that they were unable to make a finding for, to be mediated between the officer and the complainant, with the officer's consent. The status of this complaint will not be reported in the Board's Tenth Annual Report. This complaint will be carried forward into the eleventh year.

### *Complaints Reviewed and Closed*

At the close of its tenth year in October 2010, the Board reviewed fifty (50) complaints and closed a total of forty-eight (48). Figure 6 illustrates a monthly comparison of the number of complaints reviewed and closed by the Board between November 1, 2009 and October 31, 2010.

One (1) complaint was reviewed in February 2010, and sent back to the OPS for a further investigation. The findings for this complaint are still being investigated by the OPS and will be carried forward into the eleventh year.

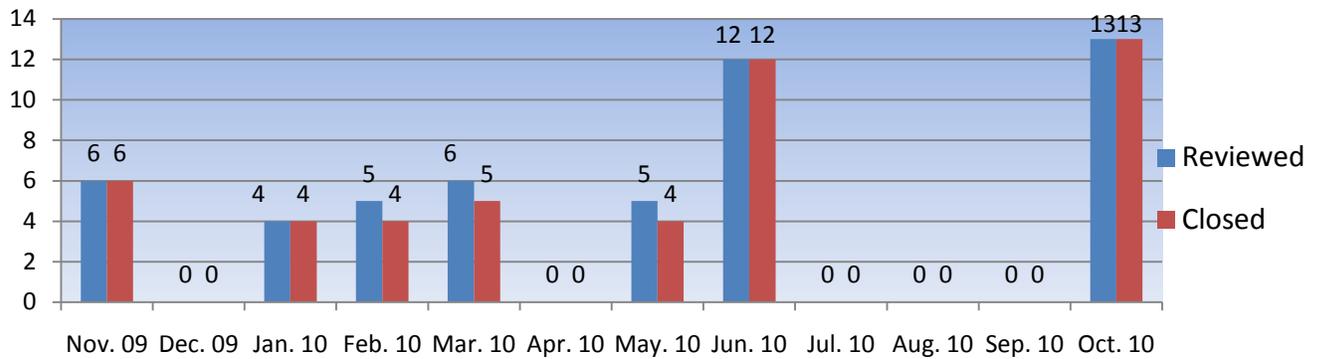
One (1) complaint was reviewed in March 2010 and sent back to the OPS for further investigation. It was reviewed again in October 2010, when it was closed.

One (1) complaint was reviewed in May 2010 and sent back to the OPS for further investigation. It was reviewed again in October 2010, when it was closed.

One (1) complaint was reviewed in October 2010 and sent to the OPS to request that four (4) of the allegations that they were unable to make a finding for, be mediated between the officer and the complainant, with the officer's consent. The status of this complaint will not be reported in the Board's Tenth Annual Report. This complaint will be carried forward into the eleventh year.

Board action was taken on one (1) complaint in October 2010. This action included the Board voting unanimously not to accept and review the one (1) complaint because the complaint was not filed within six (6) months after the incident occurred. The alleged incident occurred on December 27, 2009. The complaint was filed on September 22, 2010.

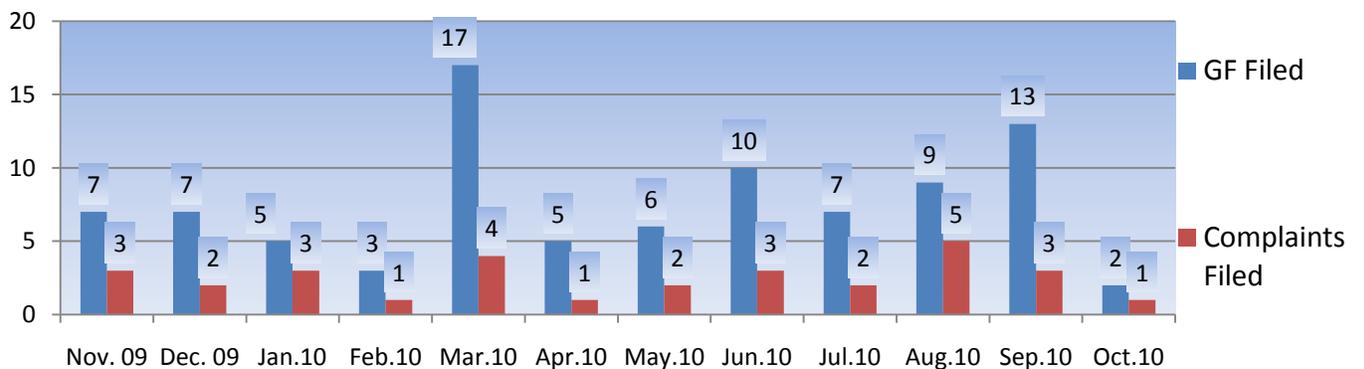
At the conclusion of the tenth year of operation, the Board had not yet made findings with respect to eighty-four (84) complaints, seventy-three (73) of which are open and active complaints and eleven (11) of which are complaints that have been suspended from the Board's review. None of these eighty-four (84) complaints will be reported in the Board's Tenth Annual Report and, therefore, they all will be carried forward into the eleventh year.



**Figure 6:** Monthly Comparison of Complaints Reviewed and Closed for the period November 1, 2009 to October 31, 2010.

**GRIEVANCE FORM REVIEW: SUMMARIES AND STATISTICS**

In its tenth year of operation, the Board received ninety-one (91) new grievance forms from the OPS, in addition to its fifty-one (51) grievance forms that were received in its eight year of operation and sixty-six (66) grievance forms that were received in its ninth year of operation. Out of the ninety-one (91) new grievance forms that were filed in its tenth year of operation, thirty (30) citizen complaint forms were filed. Of the two hundred and eight grievance forms received by the Board since the inception of the grievance form process, sixty-two (62) complaint forms were filed.



**Figure 7:** Monthly Comparison of Grievance Forms Filed and Complaints Filed for the period November 1, 2009 to October 31, 2010.

**POLICE DEPARTMENT LIAISON -  
POLICY REVIEW/RECOMMENDATIONS**

First Quarter

Chair of the Police Department Liaison/Police Review Committee Andrew Phelan, Jr. continued discussions with the OPS regarding the SOP for the Early Warning System. The SOP for the system was expected to be completed by the Board’s second quarter. The APD did not

have a finalized version of the SOP. There are training issues that still need to be worked out. The system is operating and collecting data.

On January 27, 2010, the members of the Board participated in a demonstration of the APD's new camera and audio system. The OPS planned to have forty-seven (47) vehicles equipped with cameras. Reserve vehicles would not be equipped, but as cars are retired, the equipment will be recycled through those vehicles. The SOP for the use of the cameras by the APD is complete with some changes needed. The changes that are needed do not affect how the policy would be utilized. The SOP will be forwarded to the Board once the changes are finalized.

### Second Quarter

Members of the Board participated in an overview and demonstration of the video camera and audio system in the patrol cars at the OPS. The Board was pleased with the effectiveness of the system and its sound capacity.

The Board continued its discussions with the OPS regarding the APD's Early Warning System called IAPRO. The APD Blue Team for the IAPRO training was scheduled to meet in April as the APD moved toward a more comprehensive Early Warning System.

### Third Quarter

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 its Counsel, 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 the 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**

### First Quarter

On November 10, 2009, members of the Public Official Liaison committee met with Deputy Mayor Philip Calderone to update him on the Board's four (4) initiatives which included the Early Warning System, cameras in the APD vehicles, mediation, and grievance form process. At that meeting, the committee also gave an update on its monitor search and the OPS case review timelines. The Board discussed amending its legislation to increase the amount of time for

complaint review and completion. It was determined that the current sixty (60) day turnaround required by the CPRB legislation is not realistic and should be changed. It was agreed that a follow-up meeting should be scheduled with members of the Board, APD union representatives and Deputy Chief Stephen Reilly to discuss the mediation protocols.

On November 18, 2009, the committee met with the Albany Common Council's Public Safety Committee to update them on the Board's four (4) initiatives as well as the Board's shortage of monitors and case review timelines.

In January 2010, the Board discussed the possibility of meeting with the Common Council's Public Safety Committee after it is re-organized because there are many newly elected Council members. The Board agreed to schedule a meeting with the Public Safety Committee in March 2010.

### Third Quarter

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 its four (4) initiatives: grievance forms; video cameras in police vehicles; Early Warning System; and the Mediation Program.

The Board also agreed to schedule a meeting with Deputy Mayor Philip Calderone for the fourth quarter of 2010.

### Fourth Quarter

At the Board's October 28, 2010 meeting, Chairman Jason Allen requested that the GLC schedule meetings with the Albany Common Council's Public Safety Committee and Mayor Gerald Jennings to update them on the Board's initiatives.

## **TASK FORCE ON MONITORS**

### First Quarter

City of Albany Mayor Gerald Jennings approved the list of new monitors. The monitors' resumes were also forwarded to the Common Council's Public Safety Committee by Board Counsel Patrick Jordan. The Board met with the Public Safety Committee on November 18, 2009 at City Hall to further discuss the status of approving new monitors.

### Second Quarter

All five (5) current monitors were back in rotation to be assigned complaints. Mayor Gerald Jennings and the Common Council approved the list of prospective monitors. As a result, the Board has increased its list of monitors to ten (10). The Board also discussed its monitor

protocol and sent a letter to the monitors regarding the timeliness requirement outlined in the protocol for submitting their reports.

### Third Quarter

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 the OPS including in preliminary reports whether or not monitors had attended the interviews. Commander Matos agreed to consider including the information on the OPS preliminary reports. The Board requested copies of APD SOPs for its monitors and updated SOPs for the Board members.

### Fourth Quarter

At the Board's October 26, 2010 meeting, the Board discussed an e-mail that was received at the GLC from one of the Board's new monitors regarding a potential conflict he may have with an OPS detective. The detective is a distant relative to the monitor, but he had no recollection of ever meeting him. The Board discussed the relationship of both parties and if there might be a potential conflict. At that meeting, the Board agreed to recommend to the Common Council that the monitor not follow any cases that the detective was assigned to.

The Board continued its discussion with the OPS regarding acquiring copies of APD SOPs for its monitors and updated SOPs for the Board members. The Board agreed that the monitors should receive the same copies as the Board.

Chairman Jason Allen agreed to continue chairing the Task Force on Monitors until the Board elects new officers and new Board members.

## **REPORTS**

In its tenth year of operation, seven (7) quarterly reports and two (2) annual reports were submitted to the Board for approval. Each report detailed the activities of the Board and the Government Law Center during each time period covered. The Fourth Quarterly Report of 2008; First Quarterly Report of 2009; Second Quarterly Report of 2009; Third Quarterly Report of 2009; Fourth Quarterly Report of 2009; First Quarterly Report of 2010; Second Quarterly Report of 2010; 8<sup>th</sup> Annual Report; and 9<sup>th</sup> Annual Report, were adopted by the Board before the close of the tenth year. A copy of each of these reports was submitted and filed with the Mayor, the Common Council, and the Chief of Police as required by § 42-340(c) of the City Code. Additional copies were forwarded to members of the public, community groups and organizations, and other interested parties on the Board's mailing list. These reports were also posted on the Board's website.

## **TRAINING**

Section 42-339 of the legislation creating the Board requires that “the Government Law Center . . . provide, to [Board] members, and the members shall undergo continuing education on issues related to the interaction between civilians and police officers . . .”

### First Quarter

Board members Andrew Phelan, Jr. and Reverend Smart participated in ride-alongs with the APD. The ride-alongs fulfill the Board’s continuing education into the police community relations requirement under the CPRB legislation.

Board member Marilyn Hammond and Coordinator of the Board Sharmaine Moseley attended the annual NACOLE conference, which was held in Austin, Texas. At its November 12, 2009 meeting, each Board member was given a flash drive with information from the conference to review. Ms. Hammond informed the Board that mediation was discussed at length at the conference, since many police review boards do have mediation. Those boards that do utilize mediation discussed how effective it could be. At the conference, Ms. Hammond discussed the possibility of the CPRB developing an effective mediation program in the future. At least fifty (50) percent of this year’s attendees were officers. The Board also discussed the possibility of having more representation from the APD at future NACOLE conferences.

### Second Quarter

New Board member Akosua Yeboah enrolled in the Albany Police Citizen’s Academy, which was scheduled for fifteen (15) weeks, starting on March 2, 2010. Ms. Yeboah will fulfill the legislative requirement for an APD ride-along as a part of the Academy. The ride-along consists of a Board member riding with an APD officer during his/her work shift and serves as an opportunity for the Board members to observe the interaction between the officers and the community.

### Third Quarter

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.

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.

#### Fourth Quarter

In September 2010, Board members Marilyn Hammond, Akosua Yeboah, Coordinator for the Board Sharmaine Moseley, and OPS Detective Anthony Montalvo attended the Annual NACOLE Conference in Seattle, Washington. The conference provided an opportunity for community members, practitioners of police oversight, and law enforcement officials to exchange information about police oversight and law enforcement accountability. Some of the issues discussed at the conference included: workplace retaliation in law enforcement agencies; models of various oversight agencies; improving police response to the mentally ill; how to access the quality of an investigation; mediation of complaints; and investigation and disciplining police officers for criminal misconduct. There was also an on-site "Shoot/Don't Shoot Simulator" for conference attendees.

#### **MEETINGS OF THE BOARD**

The Board met as a whole nine (9) times for the conduct of business in the tenth year. The meetings held in the tenth year of operation took place at: the Albany Public Library, 161 Washington Avenue, in the Large Auditorium; Albany Law School, 80 New Scotland Avenue, in the Dean Alexander Moot Courtroom; the Labor Temple, 890 3<sup>rd</sup> Street, on the 2<sup>nd</sup> floor meeting room; and GWU the Center, 274 Washington Avenue, in the Teen Center Conference Room. There was a public comment period held at each of the monthly meetings, and the meetings were devoted primarily to the review of complaints and a discussion of committee activities. Due to conflicting summer vacation schedules, the Board did not meet during the months of July 2010 and August 2010. The Board did not meet as scheduled in April 2010 and September 2010 due to a lack of a quorum.

At the Board's October 28, 2010 meeting, the Board agreed to change its future public meeting location from the Albany Public Library to the GWU the Center.

The Board met as a whole two (2) times for the conduct of business in the first quarter. Meetings were held on November 12, 2009 and January 14, 2010. In the second quarter, two (2) regular monthly meetings were held on February 18, 2010 and March 11, 2010. The Board met 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. In the fourth quarter, the Board met as a whole two (2) times for the conduct of business. Meetings were held on October 26, 2010 and October 28, 2010.

#### **OTHER**

##### CPRB Survey/Evaluation

During the second quarter of 2010, substantial progress was made on the ongoing CPRB survey. The survey will use data collected from voluntary complainant interviews to determine complainant satisfaction with the CPRB. The survey will also provide data regarding community

opinion about the CPRB.

### 10<sup>th</sup> Year Anniversary of the CPRB

During the third quarter of 2010, the Board discussed plans for the upcoming 10<sup>th</sup> 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 possible fall symposium.

### **GOVERNMENT LAW CENTER**

Pursuant to the enactment of the legislation creating the Board in July 2000, the Government Law Center was retained by the City of Albany to provide a number of support services to the Albany Citizens' Police Review Board. The Coordinator of the Board and support staff worked collaboratively during this year to prepare, submit, and file the Board's quarterly reports; organize and facilitate the Board's ongoing training program; coordinate the Board's public education/community outreach campaign and initiatives; provide staff support in preparation of, during, and following each of the Board's monthly meetings; handle all administrative matters relating to the complaint review process; and assist the Board in its day-to-day operations. These services are discussed in detail below.

#### *First Quarter*

During the first 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 engaged in a meeting between the Board and City officials regarding Board initiatives.
- 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 between the Board, APD Union representatives, City officials, and APD Command Staff.
- Coordinated, scheduled and conducted a new Board member orientation.
- Arranged logistics for Board member participation in a demonstration of the camera system with Commander Matos and the APD Computer and Technology Unit.
- Arranged logistics for Board member Akosua Yeboah to undergo required orientation training.
- Arranged logistics for a meeting between the Board's Outreach Committee and the Center Square Neighborhood Association.

- Arranged logistics for an upcoming meeting between the Board's Outreach Committee and the New York Civil Liberties Union.
- Forwarded correspondence from the New York Civil Liberties Union regarding the complaint interview process to members of the Board.
- Forwarded to the Board revised copies of its committees/task force list, member contact information list, and 2010 meeting schedule.
- Contacted the NACOLE conference Treasurer and arranged for a refund for Board member Jean Gannon.
- Made copies of NACOLE conference materials onto a flash drive for the Board.
- Distributed the flash drive to the Board.
- Interviewed and hired an Albany Law School student intern to assist in providing administrative and staff support services to the Board.
- 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.
- Coordinated and scheduled Board member ride-alongs with the Albany Police Department.
- Drafted and forwarded correspondence to the Mayor and the Common Council regarding the vacancies on the Board.
- Drafted and forwarded correspondence to Deputy Chief Reilly regarding CPRB No. 66-08.
- Drafted and forwarded correspondence to the Albany Law Career Center in regard to the student work study positions available with the CPRB.
- Drafted and forwarded to the Board for review its Fourth Quarterly Report for 2008.
- Notified organizations, community groups, and complainants of the Board's public meeting by posting a press release in City Hall, and sending out notices and press releases via mail and e-mail.
- Forwarded the updated database scorecard to the OPS and members of the Board.
- Continued the development of the CPRB electronic database.

## *Second Quarter*

During the second quarter of 2010, the Government Law Center engaged in the following activities:

- Coordinated, scheduled, and participated in the APD demonstration of its cameras in patrol vehicles.
- Drafted and forwarded correspondence to monitors and the Board regarding the timeliness requirement described in the monitors' protocol.
- Notified complainants and Board members of the April 8, 2010 canceled Board meeting.
- Supplied necessary complaint data to Robert Worden of the Finn Institute for completion of the CPRB survey.
- Arranged logistics for the Board's Outreach Committee to meet with the Second Avenue Neighborhood Association.
- Arranged logistics for the Board's Outreach Committee to meet with the NAACP.
- Arranged logistics for the Board's Outreach Committee to meet with the Center Square Neighborhood Association.
- Arranged logistics for the Board's Outreach Committee to meet with the Park South Neighborhood Association.
- Sent a requested copy of the SOP section dealing with tasers to the Assistant Corporation Counsel.
- Provided information regarding CPRB legislation and practices to a researcher studying the progress and structures of Citizen Police Boards.
- Drafted and forwarded correspondence to Deputy Chief Stephen Reilly regarding the citizen grievance form process.
- Forwarded correspondence to the Board from Deputy Chief Stephen Reilly regarding the citizen grievance form process.
- Forwarded outstanding correspondence to Deputy Chief Stephen Reilly.
- Drafted and forwarded correspondence to the OPS regarding a further investigation request for CPRB 45-08/OPS No. C08-409 and CPRB No. 23-09/OPS No. CC2009-41.

- Coordinator of the Board Sharmaine Moseley enrolled in the Albany Citizen Police Academy.
- Forwarded the Albany Citizen Police Academy application to the Board.
- Updated and forwarded the Board's schedule for monitor appointments.
- Drafted and forwarded correspondence to the Mayor and Common Council notifying them of the need to fill the vacancy created by Daniel Fitzgerald's resignation, and the re-appointments of Board members Andrew Phelan Jr. and Reverend Edward Smart.
- Received and forwarded to the Board from the Mayor the re-appointment letters of Board members Reverend Edward Smart and Andrew Phelan, Jr.
- Interviewed and hired an Albany Law School student intern to assist with the CPRB database, quarterly reports and minutes.
- Drafted and forwarded correspondence to Chief James 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.
- Drafted and forwarded to the Board for review its Third Quarterly Report for 2008.
- Drafted and forwarded to the Board for review its Annual Report for 2008 and Fourth Quarterly Report for 2008.
- Forwarded the Board's 2008 Annual Report and 2008 Fourth Quarterly Report to its members, City of Albany public officials, and residents.
- Notified organizations, community groups, and complainants of the Board's public meeting by posting a press release in City Hall, and sending out notices and press releases via mail and e-mail.
- Drafted and forwarded correspondence regarding Freedom of Information Law (FOIL) requests.
- Forwarded the updated database scorecard and the grievance form chart to the OPS and members of the Board.
- Continued the development of the CPRB electronic database.

### *Third Quarter*

During the third quarter of 2010, the Government Law Center engaged in the following activities:

- 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 2010 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 notices and press releases via mail and e-mail.
- 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.

#### *Fourth Quarter*

During the fourth quarter of 2010, the Government Law Center engaged in the following activities:

- Coordinating the scheduling of a mediation meeting between the Board, Union Representatives, and APD Command Staff.
- Forwarded correspondence to the Board from the Center for Law and Justice, Inc.
- Received and forwarded to the Board for discussion, samples of posters used for outreach in Miami, Florida.
- Drafted and forwarded to the Board its Fourth Quarterly Report for 2009, First Quarterly Report for 2010, Second Quarterly Report for 2010, and Ninth Annual Report for review.
- Forwarded the Board's Fourth Quarterly Report for 2009, First Quarterly Report for 2010, Second Quarterly Report for 2010, and Ninth Annual Report to its members, City of Albany public officials, and residents.

- Attended the 16<sup>th</sup> Annual NACOLE Conference in Seattle, Washington in September 2010.
- Drafted and forwarded correspondence to NACOLE regarding the Board member designated to exercise the CPRB's vote at its annual conference.
- Processed travel reimbursement for (2) Board member who attended the NACOLE Conference in Seattle, Washington.
- Drafted and forwarded correspondence to the City of Albany Mayor Gerald Jennings and Common Council President Carolyn McLaughlin notifying them of Board vacancies.
- Drafted and forwarded correspondence to Chief Steven Krokoff regarding CPRB No. 21-09/OPS No. CC2009-037.
- Drafted and forwarded correspondence to Deputy Chief Stephen Reilly regarding CPRB No. 28-09/OPS No. CC2009-045.
- Drafted and forwarded correspondence to Commander Ron Matos regarding CPRB No. 53-09/OPS No. CC2009-117.
- Drafted and forwarded correspondence to Chief Steven Krokoff requesting the APD's final determinations for complaints reviewed by the Board.
- Forwarded correspondence to the Board from Chief Steven Krokoff 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 notices and press releases via mail and e-mail.
- 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.

Over the course of the Board's tenth year, the Government Law Center also performed the following administrative tasks:

- Scheduled and revised the Board's 2010 Monthly Meeting Schedule;
- Arranged logistics for and coordinated regular monthly meetings, APD demonstrations, community outreach meetings, including: securing dates, times, and locations for each meeting, and providing notice to the affected parties and to the public;
- Arranged logistics for and coordinated committee/task force meetings, including: securing dates, times, and locations for each meeting, and preparing meeting materials;
- Arranged logistics for and coordinated training sessions and an informational tour, including: securing dates, times, and locations for each session, and preparing training materials;
- Arranged logistics for and participated in a meeting with Robert Worden, Director of the Finn Institute for Public Safety, Inc., regarding Survey/Evaluation;
- Arranged logistics for and participated in APD ride-along;
- Attended monthly meetings, committee meetings, task force meetings, training sessions, APD demonstrations, and an annual conference;
- 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;
- Forwarded complaint-related correspondence to Board members;
- Notified affected parties of Board findings, recommendations, and requests following each monthly meeting;
- Provided content for, updated, and maintained the Board's website to include new meeting minutes, new Board members, photographs of the Board, meeting schedule; and reports;

- Conducted a monthly accounting and inventory of complaints filed with the Board, including a summary of active 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 meetings;
- Assisted with word processing 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;
- Maintained regular communications with Board members, the Albany Police Department and the Corporation Counsel's office;
- Answered inquiries from the community and the media about the Board and the complaint review process; *and*
- Forwarded complaint forms to complainants as requested.

## CONCLUSION

The Board continued to be active in its tenth year of operation. In its tenth year, the Board re-elected Board officers; continued to work closely with the APD towards the enactment of the mediation program, the use of cameras in police vehicles, and the Early Warning System; served as guest lecturers to community-based organizations; reviewed fifty (50) complaints and closed a total of forty-eight (48) of its active complaints; held nine (9) regular monthly meetings; held several committee/task force meetings and trainings; participated in an APD demonstration and tour; participated in the 2010 NACOLE Conference; reviewed and approved seven (7) quarterly reports and two (2) annual reports, and participated in meetings with the APD Command Staff, the Office of Professional Standards, the Albany Common Council's Public Safety Committee, and City officials.

After ten years of operation, the Board remains dedicated to improving communication between the Police Department and the community; increasing police accountability and credibility with the public; and building upon and maintaining a complaint review process that is credible, impartial, and fair to all.

Respectfully submitted,

The Government Law Center of Albany Law School  
Approved by and submitted on behalf of the  
City of Albany Citizens' Police Review Board

