

City of Albany

CITIZENS' POLICE REVIEW BOARD

Annual Report 2008

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



Eighth 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 Eighth Annual Report so submitted, covering the Board's operations from November 1, 2007 to October 31, 2008.

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 eighth year of operation:

Jason Allen

Appointed: 10/18/2004

Term Expires: 10/26/2011

Daniel Fitzgerald

Appointed: 10/10/2006

Term Expires: 10/26/2010

Ronald Flagg

Appointed: 10/18/2004

Term Expires: 10/26/2010

James Malatras*

Appointed: 10/5/2006

Term Expires: 10/26/2009

John Paneto

Appointed: 10/5/2006

Term Expires: 10/26/2009

Andrew Phelan, Jr.

Appointed: 9/26/2006

Term Expires: 10/26/2009

Anthony Potenza

Appointed: 10/5/2006

Term Expires: 10/26/2011

Hon. Fowler Riddick

Appointed: 1/5/2006

Term Expires: 10/28/2008

Reverend Edward Smart

Appointed: 3/20/2008

Term Expires: 10/26/2009

** resignation effective 6/25/2008*

Re-appointments

In correspondence dated March 20, 2008, City of Albany Mayor Gerald D. Jennings appointed Reverend Edward Smart to serve a term, which will expire on October 26, 2009. Reverend Smart was appointed to fulfill the remainder of former member Mauri Davis Lewis's term which will expire on October 26, 2009. On January 29, 2008, the City of Albany's Common Council re-appointed Ronald Flagg as a member of the CPRB. Mr. Flagg has been re-appointed to serve a two-year term which will expire on October 26, 2010.

During the fourth quarter of 2008, the City of Albany's Common Council re-appointed Chairman Jason Allen and Anthony Potenza to serve three-year terms, which will expire on

October 26, 2011. Mayoral appointee Fowler Riddick decided that he did not want to serve on the Board for another term. At the end of the fourth quarter, the Board had two (2) vacancies.

Resignations

In correspondence dated June 25, 2008 to the Board, Board member James Malatras announced his resignation from the Board effective immediately.

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 second quarter of 2008, new Board member Reverend Edward Smart attended and participated in the Board’s orientation program which consisted of three 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 on laws relating to Civil Rights violation and excessive use of force; and ethics. The second and third sessions of the orientation program were coordinated and facilitated by the Albany Police Department’s Office of Professional Standards to comprise of training in four policy areas: use of tasers, use of force, vehicle pursuits, and search and seizure. The sessions included discussion of each policy, its coverage, and any changes or amendments that have been made to the policies. Instructors provided the new members with demonstrations on the use of tasers.

In addition, on April 4, 2008, new Board member Reverend Edward Smart completed and participated in a ride-along with APD officers. The ride-along consisted 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.

New Member Citizens’ Police Academy

During the second quarter of 2008, new Board member Reverend Edward Smart attended thirteen (13) three-hour citizen police academy training sessions. These sessions included an overview of the Albany Police Department, including its command structure; patrol unit; and the Office of Professional Standards.

Officers

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

Chair	Jason Allen
Vice-Chair	Hon. Fowler Riddick
Secretary	Ronald Flagg

At the Board's January 10, 2008 meeting, nominations and elections were held for officer positions pursuant to Article IV, Section 1 of the Board's By-Laws. The slate was presented, voted on, and approved unanimously to elect Jason Allen as Chair, Hon. Fowler Riddick as Vice-Chair, and Ronald Flagg as Secretary.

Committees and Task Forces

At the Board's January 10, 2008 meeting, nominations and elections for Committee/Task Force positions were held. At that meeting, the Board unanimously agreed to keep all current Committee/Task Force positions the same as the previous term.

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

<i>By-Laws and Rules</i>	Jason Allen (Chair) James Malatras Hon. Fowler Riddick	<i>*ended in 3rd Quarter</i>
<i>Community Outreach</i>	James Malatras (Chair) John Paneto (Chair) Rev. Edward Smart (Co-Chair) Jason Allen (<i>ex-officio</i>) Hon. Fowler Riddick	<i>*ended in 3rd Quarter</i> <i>*commenced in 3rd Quarter</i> <i>*commenced in 3rd Quarter</i>
<i>Complaint Review</i>	Andrew Phelan, Jr. (Chair) Jason Allen Daniel Fitzgerald Ronald Flagg James Malatras John Paneto Anthony Potenza Hon. Fowler Riddick Rev. Edward Smart	<i>*ended in 3rd Quarter</i> <i>*commenced in 2nd Quarter</i>
<i>Mediation</i>	Jason Allen (Chair)	

<i>Police Department Policy Review/Recommendations</i>	Daniel Fitzgerald (Chair) Jason Allen (<i>ex-officio</i>) James Malatras Anthony Potenza	<i>*ended in 3rd Quarter</i>
<i>Public Official Liaison</i>	Ronald Flagg (Chair) Jason Allen (<i>ex-officio</i>) Andrew Phelan, Jr. Anthony Potenza	
<i>Task Force on Monitors</i>	James Malatras Jason Allen (<i>ex-officio</i>)	<i>*ended in 3rd Quarter</i>

In the Board's eighth year of operation, upon resignation of James Malatras, Board member John Paneto was elected by the Board to chair the Community Outreach Committee and Reverend Edward Smart was elected for Co-Chair.

BY-LAWS AND RULES/MEDIATION

First Quarter

The Board took further steps toward finalizing a mediation protocol that would avoid investigations in those instances where complaints can be resolved through mediation between the complainant(s) and officer(s). The Board planned to meet with the Albany Common Council to discuss any updates that may be required to its By-Laws based on the development of the mediation program and other initiatives.

At the Board's December 20, 2007 meeting, members of the Board's Mediation and Public Official Liaison Committees met with Deputy Mayor Philip Calderone and Chief James W. Tuffey to discuss the inconsistency between the mediation protocol and the City's ordinance. At that meeting, it was agreed that Assistant Corporation Counsel Patrick Jordan would draft language to conform the ordinance and the protocol.

In December 2007, the Board along with Government Law Center (GLC) staff interviewed eight (8) candidates for the CPRB mediator positions and selected six (6) of those candidates to be presented to Chief of Police James W. Tuffey, Mayor Gerald Jennings, and the Common Council for final approval. During the first quarter of 2008, the committee forwarded the list of six (6) candidates to the Chief of Police James W. Tuffey for his approval. At its January 10, 2008 meeting, the Board voted in favor of approving the list of mediators that was forwarded to Chief Tuffey.

Second Quarter

The Board reviewed and discussed the proposed changes. Section 42-333 of the existing legislation defines mediation as "a structured dispute resolution process in which a neutral third

party assists the disputants to reach a negotiated settlement of their differences.” The amendment will strike “to reach a negotiated settlement of their differences” and add “by attempting to engage the parties in peaceful discussion and possible settlement.” Section 42-344 of the existing legislation defines “mediated” as the complaint being resolved by mediation. The amendment will strike “resolved by mediation” and add “handled pursuant to Section 42-346.” Section 42-346 of the existing legislation will be amended to strike “if the mediation sessions do not result in a resolution of the dispute, the CPRB review process...shall continue to conclusion” and add “Upon the conclusion of the mediation process the...”

The City of Albany’s Common Council introduced legislation that would amend Section 42-333 of the Code of the City of Albany in order to make it consistent with the Board’s new mediation protocol. At its April 15, 2008 meeting, the Board reviewed and discussed the proposed changes. Under the amended law, any complaint not resolved through mediation would then continue through the normal CPRB review process.

In addition, the Board has obtained the approval and support of Chief of Police James Tuffey in regard to its new mediation protocol. Before the Board can commence with its mediation protocol, the Common Council must pass the proposed amended legislation into law.

Third Quarter

The Board took additional steps toward finalizing its mediation protocol. In May 2008, amendments to the sections in the Board’s ordinance that related to mediation were introduced in the Common Council by the Council’s Public Safety Committee. The Public Safety Committee also received legislation regarding repeat officer offenders which was introduced by Common Councilmember Dominick Calsolaro.

Fourth Quarter

The Board agreed to follow-up with Police Chief James Tuffey regarding the status of the mediation program.

COMMUNITY OUTREACH

First Quarter

In November 2007, the Board continued working on the development of its new CPRB brochure. The purpose of the new brochure is to explain the role and function of the CPRB. The Board agreed that the brochure should also be printed in Spanish. In December 2007, the Board received and began its review of the draft brochure.

On December 5, 2007, Chairman Jason Allen and Board member John Paneto conducted an outreach meeting at the Council of Albany Neighborhood Associations (CANA) meeting. CANA consists of community association leaders and individuals interested in community affairs. That meeting was attended by approximately thirty (30) people. At the meeting, Chairman Allen

gave an overview of the CPRB's history and process. In addition, Mr. Paneto distributed copies of the Board's complaint form and copies of former GLC Senior Staff Attorney Justina Cintron's article.¹

In addition to participating in outreach meetings, one week before each CPRB meeting, Committee Chairman James Malatras emails the neighborhood association liaisons inviting them to the CPRB meetings and inquiring if they would like the Board to address any concerns or issues they may have.

In January 2008, the Board finalized the CPRB brochure. It was agreed that the CPRB brochure was ready to be professionally printed by a union printing company. Committee Chairman James Malatras continued to draft a press release that would be mailed along with the CPRB brochure to the community.

At the Board's January 10, 2008 meeting, Committee Chairman James Malatras proposed that the Board staff a table at the New York State Black and Puerto Rican Legislative Caucus. Mr. Malatras stated that he would obtain more information regarding that event and forward it to the Board.

Second Quarter

At its February 21, 2008 meeting, the Board reviewed and approved the Spanish version of its new brochure. During the second quarter of 2008, the English and Spanish versions of the brochure were printed and distributed to neighborhood associations, churches, schools, and police stations in addition to being displayed on the Board's website.

On March 13, 2008, Committee member John Paneto gave an outreach presentation on the CPRB's process and activities to the SUNYA Committee on University & Community Relations. Approximately twenty (20) individuals with little or no knowledge of the CPRB attended the outreach presentation at the Albany Police Department's Center Station.

Third Quarter

The Board started receiving the APD's new grievance contact forms. The APD established the grievance contact form process as a way to make sure that all complaints against members of the APD are forwarded to the CPRB.

At its June 10, 2008 meeting, the Board discussed the open position on the Board for a new chair for the Community Outreach Committee due to the resignation of Committee Chair James Malatras.

¹ Justina R. Cintron, *The New York Experience: Existing Models of Citizen Oversight*, Vol. 5, No. 2 NYBSA GLP Journal, 11 (Fall 2003).

At its July 8, 2008 meeting, Chairman Allen called for elections to be conducted to select a new Chairman for the Community Outreach Committee. Board member John Paneto was nominated and elected for the position of Chairman. Board member Reverend Edward Smart was nominated and elected for the position of Co-Chair.

Fourth Quarter

The Community Outreach committee agreed to post pictures of its Board members onto the CPRB website. The Committee also agreed to schedule additional community outreach meetings to continue educating the community on the complaint review process.

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 eighth year of operation:

<i>November 2007</i>	James Malatras, John Paneto, and Andrew Phelan, Jr.
<i>December 2007</i>	Jason Allen, John Paneto, Andrew Phelan, Jr., Anthony Potenza, and Hon. Fowler Riddick.
<i>January 2008</i>	Jason Allen, Daniel Fitzgerald, James Malatras, and Anthony Potenza.
<i>February 2008</i>	Jason Allen, Ronald Flagg, James Malatras, John Paneto, Anthony Potenza, and Fowler Riddick.
<i>March 2008</i>	Jason Allen, John Paneto, Andrew Phelan, Jr., Anthony Potenza, and Fowler Riddick.
<i>April 2008</i>	Chairman Jason Allen, Daniel Fitzgerald, John Paneto, Andrew Phelan, Jr., and Anthony Potenza.
<i>May 2008</i>	Daniel Fitzgerald, John Paneto, Andrew Phelan, Jr., Anthony Potenza, and Rev. Edward Smart.
<i>June 2008</i>	John Paneto, Anthony Potenza, Hon. Fowler Riddick, and Rev. Edward Smart.
<i>July 2008</i>	Jason Allen, John Paneto, Anthony Potenza, Hon. Fowler Riddick,

and Rev. Edward Smart.

August 2008

The Board did not meet in August 2007.

September 2008

Ronald Flagg, John Paneto, Andrew Phelan, Jr., Anthony Potenza, and Hon. Fowler Riddick.

October 2008

Daniel Fitzgerald, John Paneto, Andrew Phelan, Jr., Anthony Potenza, and Rev. Edward Smart.

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 seven (7) new complaints in addition to its twenty-seven (27) active complaints and nine (9) suspended complaints. Two (2) of the nine (9) suspended complaints were active and then suspended in the first quarter of 2008, while seven (7) of the nine (9) suspended complaints were carried over from previous quarters. Monitors were appointed to investigate three (3) of the seven (7) new complaints. Of the thirty-four (34) complaints before the Board, the Board presented nine (9) complaints for review and rendered findings for the allegation(s) contained in all nine (9) complaints. These nine (9) complaints contained a total of eighteen (18) allegations of misconduct.

As to the nine (9) complaints reviewed, the Board made findings consistent with the preliminary findings of the Office of Professional Standards in all nine cases. The findings of the Albany Police Department for these nine (9) cases were consistent with the Board’s findings.

Second Quarter

The Board received twenty-four (24) new complaints in addition to its twenty-five (25) active complaints and nine (9) suspended complaints. Monitors were appointed to investigate sixteen (16) of the twenty-four (24) new complaints. Of the forty-nine (49) complaints before the Board, the Board presented ten (10) complaints for review and rendered findings for the allegation(s) contained in nine (9) complaints. In addition, the Board took action on one (1) complaint. These ten (10) complaints contained a total of twenty-four (24) 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 nine (9) cases. Of the ten (10) complaints reviewed, Board action was taken on one (1) complaint. This action included the Board voting unanimously to table rendering its findings and requesting that the OPS conduct a

more thorough and complete investigation of the complaint. 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 all nine (9) cases. These nine (9) complaints contained a total of nineteen (19) allegations of misconduct.

Third Quarter

The Board received twenty-seven (27) new complaints in addition to its forty (40) active complaints and nine (9) suspended complaints. Nine (9) of the nine (9) suspended complaints were carried over from previous quarters. Monitors were appointed to investigate fifteen (15) of the twenty-seven (27) new complaints. Of the sixty-seven (67) complaints before the Board, the Board presented sixteen (16) complaints for review and rendered findings for the allegation(s) contained in all sixteen (16) complaints. These sixteen (16) complaints contained a total of thirty-three (33) allegations of misconduct. Of the sixty-seven (67) complaints before the Board, 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 filed more than one (1) year after the alleged incident occurred.

As to the sixteen (16) complaints where findings were rendered, the Board made a finding that was consistent with the preliminary findings of the Office of Professional Standards in fifteen (15) cases. The findings of the Albany Police Department for these sixteen (16) complaints were consistent with the Board's findings in fifteen (15) cases.

Fourth Quarter

The Board received twenty (20) new complaints in addition to its fifty-five (55) active complaints. Monitors were appointed to investigate three (3) of the twenty (20) new complaints. In the beginning of the fourth quarter of 2008, eleven (11) complaints were suspended from review. During the fourth quarter of 2008, the Mayor lifted the suspension of five (5) of those eleven (11) suspended complaints. Those five (5) suspended complaints were carried over from previous quarters. At the end of the fourth quarter of 2008, six (6) complaints remained suspended from review. Of the seventy-five (75) 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 twenty-nine (29) allegations of misconduct.

As to the ten (10) complaints reviewed, the Board made a finding that was consistent with the preliminary findings of the Office of Professional Standards in all cases. The findings of the Albany Police Department for these ten (10) complaints were consistent with the Board's findings in all cases.

Number of Complaints Filed

During its eighth year of operation (November 1, 2007 to October 31, 2008), the Board received a total of seventy-eight (78) complaints (See Figure 1.) The Board received an average

of six and a half (6.5) complaints per month from November 2007 to October 2008. 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).

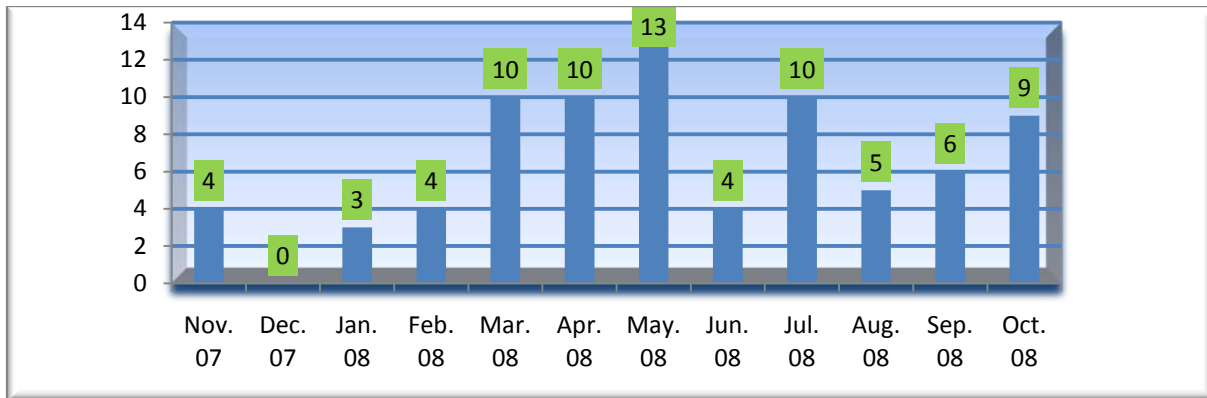


Figure 1: Monthly breakdown of complaints filed November 1, 2007 to October 31, 2008
Total seventy-eight (78).

Since the Board's inception (October 27, 2000 to October 31, 2008), the Board received a total of three hundred and fifty-three (353) complaints (See Figure 2.) The Board received an average of forty-four (44) 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).

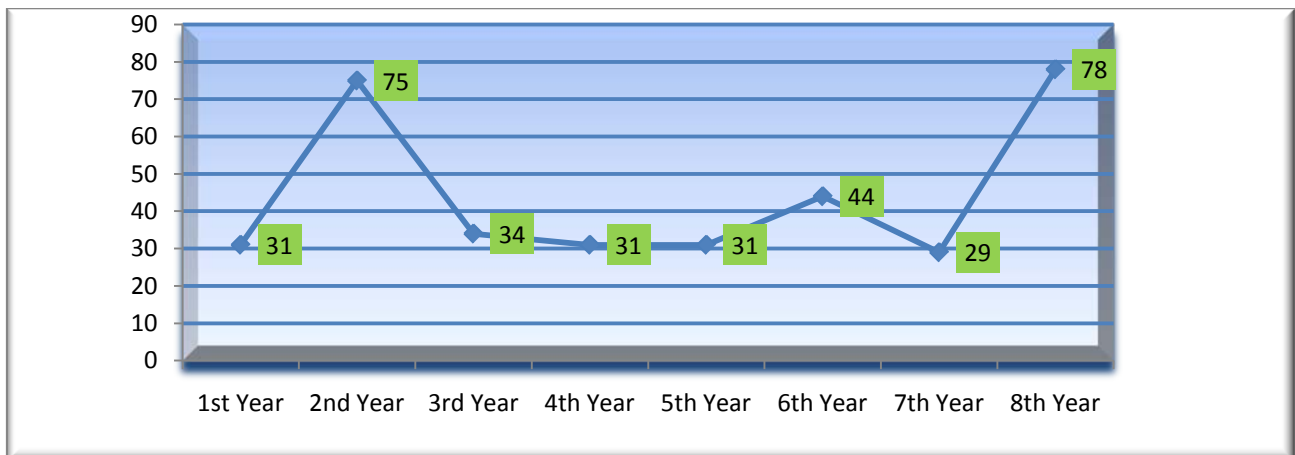


Figure 2: Yearly breakdown of complaints filed October 27, 2000 to October 31, 2008
Total three hundred and fifty-three (353).

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-eight (78) complaints filed in the eighth year, the Board appointed a monitor to observe the OPS's investigation of thirty-six (36) 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-eight (78) complaints filed with the Board in the eighth year, forty-five (45) contained information from the complainant regarding the complainant's gender. Of the seventy-eight (78) complaints filed with the Board in the eighth year, thirty-nine (39) contained information from the complainant regarding the complainant's race/ethnicity. Of the seventy-eight (78) complaints, thirty-eight (38) contained information from the complainant regarding the complainant's gender and race/ethnicity. The thirty-eight (38) identified complainants in these seventy-eight (78) complaints, comprised of: seven (7) African-American female; nineteen (19) African-American males; two (2) Caucasian females; two (2) Caucasian males; one (1) West Indian male; three (3) Hispanic males; one (1) Indian male; one (1) Indian female; one (1) Russian male; and one (1) Mixed female (See Figure 3.) One female complainant filled out her gender and for race/ethnicity as "other."

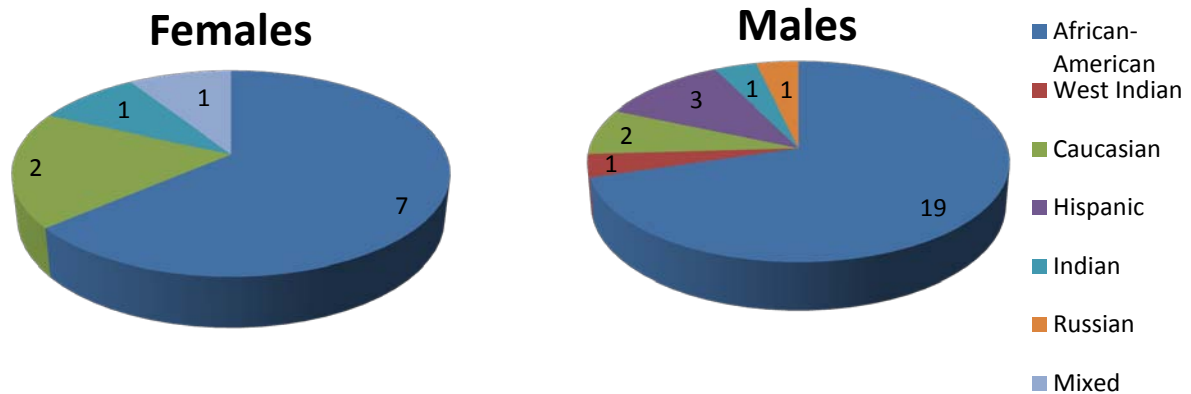


Figure 3: Race/Ethnicity and Gender of the Complainant

Of the seventy-eight (78) complaints filed with the Board in the eighth year, seventy (70) were submitted on a complaint form; while eight (8) complainants either submitted a written complaint not using the Citizen Complaint Form. Of those seventy-eight (78) complaints, thirty-three (33) complainants chose not to submit information regarding their race/ethnicity or gender. However, in all thirty-three (33) of those complaints the gender of complainant, nineteen (19)

males and fourteen (14) 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 one (1) of the seventy-eight (78) complaints in which two (2) complainants filed, the complainants submitted information about their gender but not race/ethnicity. Also, in one (1) of the seventy-eight (78) complaints, although the complainant chose not to submit information regarding his race/ethnicity or gender, that information was determined based on a complaint previously filed by the complainant.

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 who is, or the officers who are the subject of the complaint. In this section, the complainant is asked to provide race/ethnicity and gender information about the officer(s), if known. Seventy-six (76)¹ police officer descriptions, including race/ethnicity and gender, were included within the seventy-eight (78) complaints filed with the Board in the eighth year.

Fifty-eight (58) of the seventy-eight (78) complaints filed with the Board included information about the police officer's gender. The gender information of seventy-six (76) police officers was provided by the complainants. Fifty-one (51) of the seventy-six (76) 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 forty-four (44) officers (male) and two (2) officers (female), were determined from the language contained in the complaint. Twenty-five (25) of the seventy-six (76) police officer gender descriptions were not redacted by the Office of Professional Standards. Of the twenty-five (25) police officer gender descriptions that were not redacted, the genders of all twenty-five (25) police officers were male. Concerning the gender information of twenty-one (21) police officers that was not provided by the complainant, the genders of four (4) male police officers were determined from the language contained in the complaint.

The ethnicity/race of seventy-five (75) police officers was provided by the complainants. Sixty-five (65) of the seventy-five (75) police officer ethnicity/race descriptions, however, were redacted by the Office of Professional Standards. Therefore, the ethnicity/race of the police officers could not be ascertained from the language contained in the complaints. Of the ten (10) police officer ethnicity/race descriptions that were not redacted, the ethnicity/race of nine (9) police officers was Caucasian and one (1) was African-American. Descriptions for twenty-two (22) police officers were either not included or the information was unknown.

Allegations Contained in the Complaints

In the eighth year of operation, thirty-four (34) of the seventy-eight (78) complaints filed with the Board contained a single allegation of misconduct against an officer or officers of the

¹It 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 seventy-five (75) police officer descriptions are of seventy-six (76) different officers or are of a number of the same officers.

Albany Police Department. Forty-three (43) complaints contained multiple allegations, with a majority of these complaints averaging three (3) misconduct allegations. One complaint was submitted as a notice of claim. The complaint form for that complaint was never received. Therefore, the Board voted unanimously not to accept and review the complaint. Figure 4 illustrates the allegations made in the seventy-eight (78) 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.

One hundred and seventy-six (176) allegations were made in the seventy-eight (78) complaints filed with the Board in the eighth year. Of the one hundred and seventy-six (176) allegations, the Board identified six (6) categories of allegations. Twenty-two (22) subcategories of allegations were also identified, two (2) of which fell under the category of Abuse of Authority, two (2) of which fell under the category of Arrest Authority and Procedures, ten (10) of which fell under the category of Call Handling, six (6) of which fell under the category of Unprofessional Conduct Standards, and two (2) 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.

One percent (1%) of the allegations identified in the complaints filed with the Board were classified as abuse of authority and arrest authorities and procedures.

Five percent (5%) of the allegations identified in the complaints filed with the Board were classified as arrest authorities and procedures.

One percent (1%) of the misconduct alleged was identified as a violation of civil rights.

Abuse of Authority	0
Evidence Tampering/Handling	1
Threatened Physical Force	1
Arrest Authority and Procedures	1
False/Illegal/Improper/Unlawful Arrest	6
False/Inconsistent Testimony/Records	3
Call Handling	13
Illegal/Improper/Unlawful Search	8
Illegal/Improper/Unlawful Stop/Detention/Questioning	11

Illegal/Improper/Unlawful Entry into Private Residence	3
Illegal/Improper/Unlawful Ticketing	10
Denied Access to Supervisor	1
Improper Handling of Personal Property	4
Improper Handling of Person	1
Failure/Refusal to Provide Information/Assistance	13
Failure to Complete Report/Investigate	2
Failure/Refusal to Provide Medical Treatment	3
Unprofessional Conduct Standards	23
Harassment	9
Racial Bias/Profiling	4
Rude/Disrespectful	15
Derogatory/Inappropriate/Profane/Offensive/Vulgar/Threatening/Racially-Biased/Unnecessary Language	12
Denied Access to Phone	1
Theft	3
Use of Force	0
Excessive Use of Force	8
Unnecessary Use of Force	18
Violation of Civil Rights	2

Figure 4: Allegations Contained in Complaints Filed - Total 176

Thirty-nine percent (39%) of the misconduct alleged were classified as call handling. Call handling included: illegal, improper, or unlawful searches, stops, detention, ticketing, questioning, 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: denied access to a supervisor; improper handling of a person; failure or refusal to provide information or assistance; failure to complete a report or investigate; failure or refusal to provide or accept a complaint form; and

failure or refusal to provide medical treatment.

Use of force accounted for fifteen percent (15%) of the misconduct alleged. The use of force allegations were identified as excessive or unnecessary use of force.

Thirty-eight percent (38%) of the allegations identified in the complaints were classified as unprofessional conduct standards. Unprofessional conduct standards included allegations of harassment; racial bias or profiling toward the complainant; rude/disrespectful behavior toward the complainant; language; denied the complainant access to a phone; and theft. Language was identified as unnecessary, derogatory, inappropriate, profane, offensive, vulgar, threatening, or racially-biased.

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 eighth year of operation, the Board had seven (7) suspended complaints which were carried over from previous years of operation. During the first quarter of 2008, two (2) complaints from the Board’s seventh year of operation were suspended. During the fourth quarter of 2008, two (2) complaints of the seventy-eight (78) complaints filed with the Board were suspended. At the end of the eighth year, the Board had six (6) suspended complaints. In the fourth quarter of 2008, the Board received correspondence from Corporation Counsel Patrick Jordan to re-open five (5) of the twelve (12) suspended complaints. The five (5) re-opened complaints will be carried forward to the ninth year and reported in the Board’s Ninth Annual Report.

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).

2006-2007

At the conclusion of the Board’s seventh year of operation, findings had not yet been

made with respect to thirty-six (36) complaints. Three (3) of the thirty-six (36) complaints were filed in the Board's first year of operation (October 27, 2000 - October 31, 2001). One (1) of the thirty-six (36) complaints was filed in the Board's second year of operation (November 1, 2001 - October 31, 2002). Seven (7) of the thirty-six (36) complaints were filed in the Board's fifth year of operation (November 1, 2004 - October 31, 2005). Four (4) of the thirty-six (36) complaints were filed in the Board's sixth year of operation (November 1, 2005 - October 31, 2006). Twenty-one (21) of the thirty-six (36) complaints were filed in the Board's seventh year of operation. These complaints were not reported in the Board's Seventh Annual Report and were, therefore, carried forward into the eighth year.

2007-2008

In the Board's eighth year of operation, seventy-eight (78) complaints were filed with the Board. In addition, thirty-six (36) complaints were carried forward from the Board's seventh year of operation. The Board reviewed forty-five (45) complaints and rendered findings for forty-four (44) complaints. Twenty-six (26) of the forty-five (45) complaints reviewed were previously not reviewed and were, therefore, carried forward into the Board's eighth year of operation. Out of the seventy-eight (78) complaints that were filed in the Board's eighth year, the Board reviewed and rendered findings for the allegations contained in nineteen (19) complaints that were filed in the eighth year. Out of the thirty-six (36) complaints that were carried forward from the Board's seventh year of operation, the Board reviewed and rendered findings for twenty-five (25) of those complaints.

During the second quarter, the Board took action on one (1) complaint which it reviewed but for which it was unable to render a finding. The actions included the Board voting unanimously to table rendering its findings and request that the OPS further investigate the circumstances and provide an explanation of the nature of the fall between the state trooper and the complainant's daughter; an explanation of how the daughter received the injuries in the fall; whether the complainant's witnesses were interviewed by the OPS; and for the OPS to investigate the complainant's allegation that the officer called her daughter an "animal." The one (1) complaint where the Board took action and did not render a finding will be carried over into the Board's ninth year of operation.

In its eighth year of operation, since thirty-one (31) of the forty-five (45) complaints reviewed contained multiple allegations of misconduct, the number of findings made is not equal to the number of complaints in which findings were rendered.

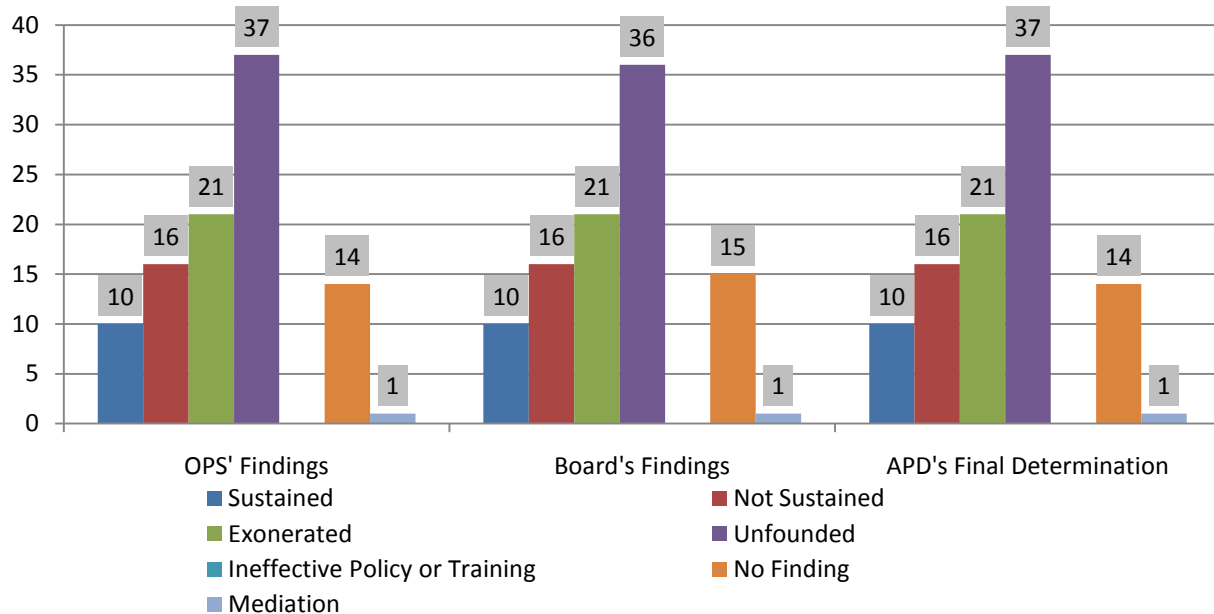


Figure 5: Comparison of Findings Made by the Board, the OPS, and the Police Department (November 1, 2007-October 31, 2008)

As to the forty-five (45) complaints reviewed, the Board made findings consistent with the preliminary findings of the Office of Professional Standards in forty-four (44) cases. Of the forty-five (45) complaints reviewed, the Board made findings that were inconsistent with the preliminary findings of the Office of Professional Standards in one (1) case. Of the forty-five (45) complaints reviewed, the Board made findings that were inconsistent with the Albany Police Department’s final determinations in one (1) case. The Board reviewed and took action on one (1) of the forty-five (45) complaints reviewed. The finding for the one (1) complaint will not be reported in the Board’s Eighth Annual Report and, therefore, will be carried forward into the ninth year.

Figure 5 depicts a comparison of the findings made by the Board and the findings made by the Police Department, including the preliminary findings of the Office of Professional Standards and the Albany Police Department’s final determinations.

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 eighth year of operation, of the forty-five (45) complaints reviewed, the Board returned one (1) complaint reviewed to the Office of Professional Standards for further

investigation. The complaint involved two (2) allegations of use of force; two (2) allegations of unprofessional conduct; and one (1) allegation of arrest authorities and procedures. This complaint will be carried forward into the ninth 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 eighth year, the Board had one (1) complaint that was referred to mediation in the Board’s eighth year of operation.

Complaints Reviewed and Closed

At the close of its eighth year in October 2008, the Board had reviewed forty-five (45) complaints and had closed a total of forty-four (44). Figure 6 illustrates a monthly comparison of the number of complaints reviewed and closed by the Board between November 1, 2007 and October 31, 2008. One (1) complaint was reviewed in June 2008, but closed in July 2008 because the finding for one of the allegations was tied. The Board reviewed the complaint for the second time in July because a majority vote was needed to pass and close the complaint.

At the conclusion of the eighth year of operation, the Board had not yet made findings with respect to seventy-one (71) complaints, sixty-five (65) of which are open and active complaints and six (6) of which are complaints that have been suspended from the Board’s review. None of these seventy-one (71) complaints will be reported in the Board’s Eighth Annual Report and, therefore, they all will be carried forward in the ninth year.

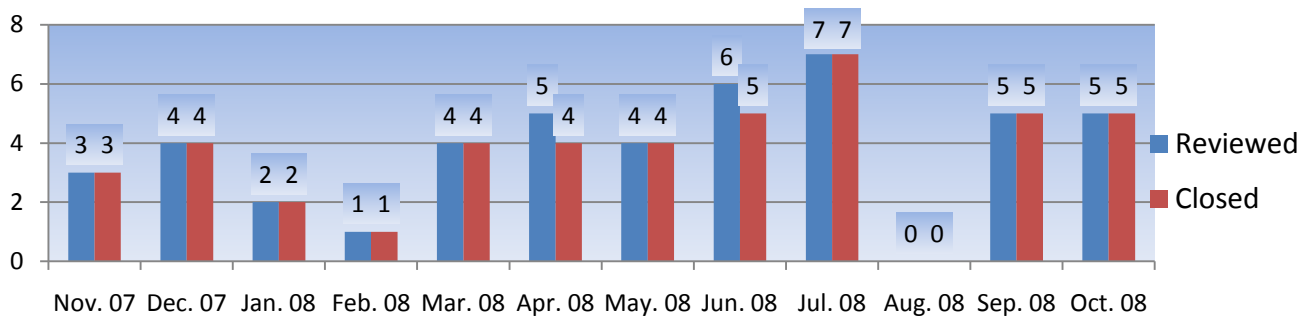


Figure 6: Monthly Comparison of Complaints Reviewed and Closed for the period November 1, 2007 to October 31, 2008.

POLICY REVIEW/RECOMMENDATIONS

First Quarter

Committee Chairman Daniel Fitzgerald scheduled a meeting with the Office of Professional Standards to discuss the status of the APD's implementation of the early warning system.

Second Quarter

The APD Office of Professional Standards (OPS) agreed to have its detectives send e-mails to CPRB monitors when they have reached certain milestones in an investigation. In addition, Chief of Police James Tuffey proposed that complainants, who have a grievance with a member of the APD, but opt not to complete a CPRB complaint form should have their contact information provided to the CPRB using grievance forms so that the CPRB can reach out to them. This process will ensure that individuals would not lose out on having their complaint reviewed by the Board. The OPS agreed to implement these new grievance forms as part of its standard operating procedure. With this new system in practice, every complainant who files a grievance form with OPS will have a full opportunity to complete a CPRB complaint form. On February 13, 2008, the Committee met with OPS Commander Burris Beattie to discuss the APD's proposed early warning system and the installation of video cameras in police cars. The APD was collecting data and developing policy and procedures regarding the early warning system. During the second quarter of 2008, members of the Board met with the APD for a demonstration of the system.

Fourth Quarter

Members of the Policy Review Committee continued working closely with the Albany Police Department (APD) in planning for installing cameras in police vehicles. The funding for the cameras was not completely in place which slowed down the purchase of the cameras. The Policy Review Committee also continued discussions with the APD's Office of Professional Standards in establishing an Early Warning System. The APD purchased newer software for its Early Warning System that they believe would work better than the older software.

PUBLIC OFFICIAL LIAISON

First Quarter

Members of the Public Official Liaison Committee met with Deputy Mayor Phil Calderone and Chief of Police James Tuffey to discuss the inconsistency between the Board's mediation protocol and the city ordinance; CPRB initiatives; and an abbreviated version of the Citizens Police Academy for the CPRB mediators.

On January 16, 2008, members of the Public Official Liaison Committee and Policy Review Committee held a meeting with the Albany Common Council to discuss CPRB

initiatives; the inconsistency between the Board's mediation protocol and the city ordinance; the mediation program; and community outreach. At that meeting, the Common Council unanimously re-appointed Board member Ronald Flagg to serve another term on the Board. The Committees agreed to continue meeting with the Mayor's office and with the Common Council at least twice a year.

Third Quarter

On May 14, 2008, Chairman Jason Allen, Committee Chairman Ronald Flagg, and staff of the Government Law Center met with Deputy Mayor Philip Calderone and Police Chief James Tuffey. The meeting was an opportunity to discuss Board initiatives which included: the grievance form process, the status of cameras in APD patrol cars, and the mediation program.

On June 16, 2008, members of the CPRB and staff of the Government Law Center met with the Times Union Editorial Board. The meeting was an opportunity to discuss the Board's initiatives which included: the grievance form process, mediation program, early warning system, and cameras and audio in APD patrol cars.

On June 19, 2008, Chairman Jason Allen and the GLC's Coordinator of the Board Sharmaine Moseley participated in a conference call with the City of Columbia, Missouri's Citizen Oversight Committee. Columbia's Citizen Oversight Committee was holding teleconferences with existing review boards to look at how various review board models function in other cities. Chairman Allen and Ms. Moseley explained to the Committee Albany's complaint review process and the history behind the creation of the CPRB.

On July 22, 2008, members of the Public Official Liaison Committee met with the Albany Common Council to discuss the following Board initiatives: the amendment to the mediation section of the CPRB's legislation, the new APD grievance form process, the purchasing and installation of cameras and audio in APD patrol cars, and the early warning system. The Public Safety Committee members were very supportive of the new complaint process that the Chief implemented in the spring.

Fourth Quarter

The Public Official Liaison Committee scheduled a meeting with Deputy Mayor Phil Calderone to update him on the Board's four initiatives. This meeting is scheduled to take place in the first quarter of the Board's ninth year of operation.

TASK FORCE ON MONITORS

First Quarter

The Task Force forwarded to the Board a red-lined draft version of the monitor's protocol for its review. On January 24, 2008, the Task Force met with the CPRB monitors to discuss

comments or concerns that the monitors had regarding the monitor's protocol. This meeting resulted in the finalization of the monitor's protocol.

Third Quarter

Task Force Chairman James Malatras resigned from the Board. At its July 8, 2008 meeting, the Board discussed an upcoming nomination and election of a new Task Force Chair.

Fourth Quarter

The Board agreed that it needed to appoint a new Task Force Chair to replace former Chair James Malatras.

REPORTS

In its eighth year of operation, five (5) quarterly reports and the Seventh Annual Report 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 First, Second, Third, and Fourth Quarterly Reports for 2007, the First Quarterly Report for 2008 and the Annual Report for 2007 were adopted by the Board before the close of the eighth 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.

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

The Board discussed its plans for members to attend the National Association for Civilian Oversight of Law Enforcement (NACOLE) Conference that was scheduled for October 26 – 30, 2008 in Cincinnati, Ohio. The Board agreed that the attendance of more of its members would be beneficial because the conference is a valuable training vehicle. The Board also discussed the possibility of the APD sending a representative to the conference as well.

Second Quarter

Board members Andrew Phelan, Anthony Potenza, Reverend Smart and John Paneto confirmed that they would be attending the National Association for Civilian Oversight of Law Enforcement (NACOLE) Conference that was scheduled for October 26 – 30, 2008 in Cincinnati, Ohio. In addition, Chief James Tuffey agreed to send Deputy Chief Stephen Reilly to the 2008

conference.

The Government Law Center conducted a training session on media relations with members of the Board. Albany Law School Communications Director David Singer facilitated the training session.

Third Quarter

Board members Andrew Phelan, Jr., John Paneto, Anthony Potenza, and Reverend Edward Smart registered to attend the National Association for Civilian Oversight of Law Enforcement (NACOLE) Conference scheduled for October 26 – 30, 2008 in Cincinnati, Ohio. APD Deputy Chief Stephen Reilly also registered to attend the conference.

Fourth Quarter

On September 18, 2008, the Board participated in a training session on the Freedom of Information Law (FOIL). This session was conducted by the Board's Counsel Patrick Jordan.

The 14th Annual Conference of the National Association for Civilian Oversight of Law Enforcement (NACOLE) was held in Cincinnati, Ohio from October 26 - 30, 2008. The conference, entitled "Impacting Policy and Practice," featured workshops on: essentials of oversight; auditing complaint investigations; history of civilian oversight; police perpetuated domestic violence; stop and frisk; successful strategies for combating racial profiling; tasers; and dealing with dishonesty. Board members John Paneto and Andrew Phelan, Jr., and Board coordinator Sharmaine Moseley were in attendance at the conference. APD Deputy Chief Stephen Reilly also attended the conference. Mr. Phelan was appointed the CPRB voting member for the conference.

MEETINGS OF THE BOARD

The Board met as a whole eleven (11) times for the conduct of business in the eighth year. The meetings held in the eighth 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 East Wing and Dean Alexander Moot Courtroom; the Unitarian Universalist Society of Albany, 405 Washington Avenue, in the Channing Hall; and the Labor Temple, 890 Third Street, in the 2nd Floor Meeting 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.

The Board met as a whole three (3) times for the conduct of business in the first quarter. Meetings were held on November 8, 2007, December 20, 2007, and January 10, 2008. In the second quarter, three (3) regular monthly meetings were held on February 21, 2008, March 13, 2008, and April 15, 2008. The Board met three (3) times for the conduct of business during the third quarter. Meetings were held on May 8, 2008, June 10, 2008, and July 8, 2008. In the fourth quarter, the Board met as a whole two (2) times for the conduct of business. Meetings were held

on September 18, 2008 and October 16, 2008.

OTHER

During the second quarter of 2008, the Board prepared and submitted a statement to the media regarding an alleged improper search by the APD as reported by the Times Union on March 2, 2008.

At its March 13, 2008, meeting, the Board presented four (4) recommendations to ensure credibility in the complaint review process. The four (4) recommendations included: all complaints come to the CPRB; video and audio in police vehicles; mediation program; and the APD's Early Warning System.

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 2008, 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 the interview process for mediator candidates by reviewing resumes, forwarding resumes to the Board, preparing interview questions, scheduling interview times, and participating in the interviews of mediator candidates.
- Assisted the Board in selecting six (6) mediator candidates to be recommended for approval by the Mayor, Common Council, and Chief Tuffey.
- Forwarded the list of six (6) mediator candidates to the Board and Chief Tuffey for approval.
- Engaged in discussions between Chief Tuffey, the Executive Director of *Mediation Matters* and the Board in developing the mediation program.

- Engaged in discussions with City officials regarding the Center's revised contract for services to the Board.
- Prepared and submitted to the Board drafts of the new brochure for final approval before printing and coordinated efforts to have the brochure translated into Spanish;
- Coordinated with the Board and the Council of Albany Neighborhood Associations (CANA) in order to schedule time for the Board members' presentation at the December CANA meeting.
- Forwarded the redlined monitor's protocol to the Board.
- Drafted and forwarded correspondence to the Common Council regarding Board member Ronald Flagg's re-appointment status.
- Drafted and forwarded correspondence to the Mayor's office regarding one mayoral vacancy on 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.
- At the request of the Board, drafted and forwarded correspondence to the State Police regarding its concerns about allegations in CPRB No. 13-07/OPS No. C07-282 concerning the actions of a State trooper.
- Drafted and forwarded correspondence regarding Freedom of Information Law (FOIL) requests.
- Forwarded the updated database scorecard to the OPS and members of the Board.
- Forwarded the Board's First and Second Quarterly Reports to its members, City of Albany public officials and residents.
- Forwarded to the Board press clippings regarding the Albany CPRB.
- Updated the contact information for the organizations listed on the CPRB's complaint form and brochure.
- Continued the development of the CPRB electronic database.

Second Quarter

During the second quarter of 2008, the Government Law Center engaged in the following activities:

- Coordinated and scheduled Board member ride-along with the Albany Police Department.
- Communicated with the Mayor's office regarding the one mayoral vacancy on 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.
- Drafted and forwarded correspondence to Chief Tuffey requesting that the APD consider sending a member of the APD to the 2008 NACOLE conference.
- Forwarded correspondence to the Board from Chief Tuffey regarding the 2008 NACOLE conference.
- Drafted and forwarded correspondence regarding Freedom of Information Law (FOIL) requests.
- Drafted and forwarded correspondence to complainant's attorney regarding CPRB No. 18-08.
- Drafted and forwarded letter to the APD requesting officer interview transcripts.
- Drafted and forwarded letter to the APD requesting any data the APD has that reflects the number of complaints the APD received in 2007 that the Board did not receive.
- Obtained price quotes from various printing companies for the CPRB brochure.
- Prepared and forwarded the complaint database scorecard to the OPS and members of the CPRB.
- Forwarded the Board's Third and Fourth Quarterly Report to its members, City of Albany public officials and residents.
- Forwarded to the Board the committee/task force structure listing and the contact schedule for monitor appointments.

- Forwarded to the Board press clippings regarding the Albany CPRB.
- Hired two (2) Albany Law School student interns to assist in creating the complaint database and providing administrative and staff support services to the Board.
- Updated the contact information for the organizations listed on the CPRB's complaint form and brochure.
- Continued the development of the CPRB electronic database.

Third Quarter

During the third quarter of 2008, the Government Law Center engaged in the following activities:

- Coordinated, scheduled, and engaged in meetings and discussions between the Board, Deputy Mayor Philip Calderone and Police Chief James Tuffey regarding Board initiatives.
- Coordinated, scheduled, and engaged in a meeting and discussion with the Albany Common Council's Public Safety Committee and the Board.
- Registered four (4) Board members and one (1) staff person from the Government Law Center to attend the 2008 NACOLE Conference in October 2008.
- Drafted and forwarded a letter of commendation from the members of the Board to the CPRB to Police Chief James Tuffey commending him on the creation of the grievance form proposal.
- Drafted and forwarded to the Board its First Quarterly Report for 2008 for review.
- Hired two Albany Law School student interns to assist in providing administrative and staff support services to the Board.
- Received and forwarded to the Board and the Common Council the resignation letter of Board member James Malatras.
- Drafted and forwarded correspondence to the Common Council notifying it of the need to fill the vacancy created by the resignation of James Malatras and the re-appointment of Board member Anthony Potenza.
- Forwarded correspondence to the Board from the State of New York's Commission on Investigation.

- Forwarded to the Board a Public Lawyer Article on the Use of Force in Hot Pursuit.
- Revised and forwarded to the Board updated member contact information.
- Forwarded correspondence to the Board from Deputy Chief of Police Stephen Reilly regarding his attendance at the NACOLE Conference in October 2008.
- Forwarded correspondence from the Board to the OPS regarding the Board's further investigation request for CPRB No. 2-07/OPS No. C07-112.
- 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.
- Revised and forwarded the mediation protocol to Board Counsel Patrick Jordan for the Albany Common Council's Public Safety Committee.
- Drafted and forwarded correspondence regarding Freedom of Information Law (FOIL) requests.
- Forwarded the updated database scorecard to the OPS and members of the Board.
- Forwarded to the Board press clippings regarding the Albany CPRB.
- Updated the contact information for the organizations listed on the CPRB's complaint form and brochure.
- Continued the development of the CPRB electronic database.

Fourth Quarter

During the fourth quarter of 2008, the Government Law Center engaged in the following activities:

- Arranged logistics for a meeting with Deputy Mayor Philip Calderone, Police Chief James Tuffey, and City Corporation Counsel John Reilly regarding the Board's initiatives.
- Attended the 14th Annual NACOLE Conference in October 2008.

- Forwarded correspondence to the Board from NACOLE regarding the designation of a CPRB member to exercise the Board's vote at the NACOLE annual conference.
- Drafted and forwarded correspondence to NACOLE regarding the Board member designated to exercise the CPRB's vote at its annual conference.
- Drafted and forwarded correspondence to Chief Tuffey commending him on the Grievance Form Proposal.
- Arranged to obtain business cards for the CPRB.
- Drafted and forwarded correspondence to Chief Tuffey requesting that the Board provide assistance in any way to the APD and Mayor's office with high profile cases.
- Drafted and forwarded correspondence to Chief Tuffey regarding CPRB No. 60-08 and CPRB No. 61-08.
- Drafted and forwarded correspondence to Chief Tuffey requesting the APD's final determinations for complaints reviewed by the Board.
- Drafted and forwarded to the Board for review its Annual Report for 2007 and First Quarterly Report for 2008.
- Forwarded the Board's 2007 Annual Report and 2008 First Quarterly Report to its members, City of Albany public officials, and residents.
- Forwarded to the Board, a Times Union article regarding the vacancies on the Board.
- Forwarded correspondence to the Board from Chief Tuffey on the APD's final determinations for complaints reviewed by the Board.
- Arranged logistics for and coordinated a Freedom of Information Law (FOIL) training for Board members.
- Drafted and forwarded correspondence to the City regarding Freedom of Information Law (FOIL) requests.
- Drafted press release regarding the complaint grievance process.
- Forwarded the updated database scorecard 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 eighth year, the Government Law Center also performed the following administrative tasks:

- Scheduled and revised the Board's 2008 Monthly Meeting Schedule;
- Arranged logistics for and coordinated regular monthly 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 orientation training sessions, including: securing dates, times, and locations for each session, and preparing training materials;
- Participated in one (1) conference call;
- Prepared a press release announcing the vacancies available on the Board;
- Prepared and assembled regular monthly meeting packets for Board members, including: photocopying complaints, reports, and accompanying documents for review;
- Prepared and submitted to the Board drafts of the new brochure for final approval before printing;
- Coordinated efforts to have the brochure translated in Spanish;
- 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;
- Attended monthly meetings, committee meetings, task force meetings, and training sessions;
- 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;
- Forwarded complaint forms to complainants as requested;

- 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 Commissioner of Public Safety, the Office of Professional Standards, and the Corporation Counsel's Office;
- Reported monthly complaint accounting and inventory to the Board at each of its quarterly 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; *and*
- Answered inquiries from the community and the media about the Board and the complaint review process.

CONCLUSION

The Board continued to be active in its eighth year of operation. In its eight year, the Board re-elected Board officers; continued updating its outreach materials; expanded its education and outreach program; drafted a new brochure to better express its message and function; served as guest lecturers to community-based organizations and schools; reviewed forty-five (45) of its active complaints; held eleven (11) regular monthly meetings; attended and participated in a media training session and conference call; participated in the 2008 NACOLE Conference; and participated in meetings with Chief James Tuffey, the Office of Professional Standards, the Albany Common Council's Public Safety Committee, and City officials.

After eight 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