

# City of Albany

## Quarterly Report November 1, 2001

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

Quarterly Report of the City of Albany  
Citizens' Police Review Board

November 1, 2001

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

## BACKGROUND

Legislation creating the City of Albany Citizens' Police Review Board (the "Board") was signed into law in July 2000, taking effect on October 27, 2000. The law adds a new part 33 to Chapter 42 (Departments and Commissions) of the Code of the City of Albany. Section 42-340 of that law requires that the Government Law Center of Albany Law School submit quarterly reports containing "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 fourth quarterly report so submitted.

## INTRODUCTION

On October 27, nine residents of the City of Albany were sworn in as members of the first Citizens' Police Review Board for the City of Albany. Five residents were appointed by the Common Council, and four residents were appointed by the Mayor. The following members constitute the Board:

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

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 with respect to the new Board. Many of these are discussed, as appropriate, below.

## ORGANIZATION OF THE BOARD

On Monday, May 11, 2001, the Common Council of the City of Albany approved the by-laws drafted by the CPRB. As a result, the Board elected the following officers at its June 11, 2001 meeting:

Chair	Kenneth Cox
Vice -Chair	Herman Thomas
Secretary	Michael Whiteman

The following committees have been operational during the fourth quarter, with each Board member serving on at least one committee:

Complaint Form	Manuel Alguero Kenneth Cox Morris Eson Eleanor Thompson Paul Weafer
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Complaint Review	Judith Mazza Herman Thomas Eleanor Thompson Paul Weafer Michael Whiteman
Operating Procedures	Marilyn Hammond Judith Mazza Paul Weafer Michael Whiteman
Outreach	Kenneth Cox Judith Mazza Herman Thomas

The committees, especially the Public Outreach Committee, the Complaint Form Committee and the Complaint Review, have been active this quarter. In general, the following has been accomplished during the fourth quarter:

- The Public Outreach Committee finalized and printed a CPRB brochure and a brochure detailing the CPRB's mediation program. Copies of the brochures have been and will continue to be distributed to the public, community groups and organizations, and any other interested parties who would like copies.
- The Board launched its new web site, which provides information about the Board and its creation, Board members, Board news and events, filling a complaint (including a copy of the complaint form), the Board's mediation program, the meeting schedule, a copy of the legislation creating the Board and contact information. The web site can be accessed at <http://www.als.edu/glc/cprb>.
- Dr. Manuel Alguero completed a draft of the Spanish version of the Citizen Complaint Form for Board review and comment. The form is being edited and finalized for distribution to the Police Department, community groups and organizations that have agreed to distribute the forms and/or assist in filling out and filing complaints, and any interested parties who wish to obtain a copy of the Spanish version of the form. A copy will also be posted to the CPRB web site, at <http://www.als.edu/glc/cprb>.
- The Public Outreach Committee coordinated several public education and outreach meetings with various community groups and organizations, including:
  - a meeting with the Council of Albany Neighborhood Associations on September 5, 2001;
  - a meeting with the Center for Law and Justice on September 13, 2001;
  - a meeting with the NAACP on September 18, 2001; and
  - a meeting with the Capital District Gay and Lesbian Community Council on October 23, 2001.

At each meeting, Board members in attendance gave a brief presentation about the Board and the complaint review process, responded to questions

from meeting participants and distributed copies of the Citizen Complaint Form, the CPRB and Mediation Program brochures and a copy of the legislation creating the Board.

- Michael Whiteman and Eleanor Thompson attended the NACOLE (National Association for Civil Oversight of Law Enforcement) Conference in Denver, Colorado from October 9-12, 2001. The Conference program included: panel discussions on biased-based policing, working effectively with police unions and community crisis; a workshop on implementing civilian oversight; and a case study involving the review of civilian complaint investigations.
- The Board met as a whole three times for the conduct of business during the fourth quarter. Two meetings were held at the Albany Public Library on Washington Avenue, and one meeting was held in the Community Room at 200 Henry Johnson Blvd . Meetings were held on August 20, 2001, September 10, 2001, and October 15, 2001. There was a public comment period at each meeting, and the meetings largely consisted of a discussion of committee work and the review of complaints.
- The first Monday of every month at 7:00pm continued to be the official meeting time for the Board for the fourth quarter, but there has been discussion of moving the meeting date and time so as not to conflict with the meetings of the Common Council. Meetings will be held at the Albany Public Library when space is available, and the Community Room at Henry Johnson Blvd will be the alternate meeting location.

## TRAINING

During the fourth quarter, the Board participated in a two-hour training program on the use of excessive force and violations of civil rights. The training program featured an update on the 4<sup>th</sup>, 5<sup>th</sup>, 6<sup>th</sup>, and 8<sup>th</sup> Amendments which was presented by private attorney and adjunct professor, Daniel Stewart, and Assistant Corporation Counsel, Timothy Austin. Commander Paula Breen from the Office of Professional Standards also participated in the program. The Board's training program on Alternative Dispute Resolution, originally scheduled to take place during this quarter, has been rescheduled for the next quarter. Upcoming training programs include: Alternative Dispute Resolution: Mediation and Conflict Management; Conduct of an Investigation; Effective Public Education and Public Relations; and Policy-Community Relations.

## STATISTICS

Section 42-340(C) of the City Code creating the Board, charges the Board with providing "statistics and summaries of citizen complaints, including a comparison of the [Board's] findings with the final determinations of the [Police] Department."

During the fourth quarter, the Board received 15 new complaints, in addition to ten pending cases before the Board that had not been closed. Of the 25 active complaints before the Board, one case was referred to mediation and 11 cases were reviewed. The following is a summary of those cases:

Complaint No. 1-01

Nature of Allegation(s): Use of excessive force (complainant struck with object)

OPS Finding: No finding

CPRB Finding: No finding

Complaint No. 5-01

Nature of Allegation(s): Racial profiling

OPS Finding: Unfounded

CPRB Finding: Unfounded, with a recommendation that the parties engage in conciliation

Complaint No. 7-01 [monitor appointed]

Nature of Allegation(s): Harassment, Improper search of vehicle/ Improper search of complainant (inappropriate touching by officer(s))

OPS Finding: Exonerated

CPRB Finding: Exonerated, with a recommendation that the Police Department counsel the officer regarding the necessity of a search and seizure in the incident complaint of.

Complaint No. 9-01

Nature of Allegation(s): Failure to inform complainant of arrest

OPS Finding: Unfounded

CPRB Action: Review tabled pending request for more information in the form of transcripts from the Police Department and of interviews conducted during the investigation.

Complaint No. 10-01 [monitor appointed]

Nature of Allegation(s): Harassment (intimidation by officer(s) in retaliation for pending lawsuit)

OPS Finding: Not sustained

CPRB Finding: Not sustained

Complaint No. 11-01

Nature of Allegation(s): Not guilty of possession of narcotic and possession of loaded weapon

OPS Finding: Unfounded

CPRB Finding: Unfounded

Complaint No. 12-01 [monitor appointed]

Nature of Allegation(s): Excessive use of force (twisting complainant's arm, kneeling complainant in groin and hip and head-butting complainant); violation of civil rights (unlawful search of complainant's home without warrant or consent and filing false charges)

OPS Finding: exonerated as to arrest procedures, not-sustained as to officers conduct, exonerated as to use of excessive force, and not sustained as to the officers entering complainant's residence

CPRB Action: Review tabled pending request for more information in the form of transcripts from the Police Department and of interviews conducted during the investigation.

Complaint No. 13-01

Nature of Allegation(s): Improper conduct by officer in retaliation

OPS Finding: Not sustained

CPRB Finding: Not sustained

Complaint No. 15-01 [monitor appointed]

Nature of Allegation(s): Unprofessional behavior (rudeness/racially-biased conduct)

OPS Action: Unfounded

CPRB Action: Unfounded, with a recommendation that the parties engage in conciliation

Complaint No. 17-01 [monitor appointed]

Nature of Allegation(s): Unprofessional behavior (officer goaded confrontation with complainant)

OPS Finding: Not sustained

CPRB Finding: Not sustained

Complaint No. 24-01

Nature of Allegation(s): Unnecessary use of force (squeezing complainant's arm)

OPS Finding: No finding

CPRB Finding: No finding

### GOVERNMENT LAW CENTER

During the fourth quarter, 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:

- Arranged logistics for and coordinated [public] notice for Board meetings and public outreach meetings.
- Arranged logistics for and coordinated public outreach meetings.
- Arranged logistics for and coordinated Board training programs, including securing dates, times and locations, speakers and materials.
- Attended Board meetings, outreach meetings and training programs.
- At the Board's request, assisted the Board in drafting, reviewing and finalizing the Board's general brochure and Mediation Program brochure. Provided for printing and distributing brochures to complainants, the Police Department, community groups and organizations, and any interested parties.
- At the Board's request, created and finalized Board's website, including drafting, reviewing and finalizing content, web design and maintenance.
- At the Board's request, conducted an inventory of complaints filed with the Board, including a summary of case status, recommendations and pending requests to the Chief of Police.
- At the Board's request, assisted in reviewing and finalizing the Spanish version of the complaint form to be distributed to complainants, the Police Department, community groups and organizations that have agreed to distribute the form and/or assist in filling out and filing a complaint, and any other interested parties.

- Met with representatives from the School of Criminal Justice (SCJ) at the University of Albany regarding its survey of community satisfaction with the complaint review process. SCJ informed the GLC that the research protocol had been approved and that it would commence its research during the start of the quarter. Received updates during the quarter about its progress. Assisted SCJ with research by providing complaint data survey information for closed cases.
- Updated log-in and filing system and procedure for the receipt of complaints, to ensure a proper accounting of all documents and data in active and closed cases.
- Provided various administrative functions including:
  - ▶ drafted letter notifying complainants, affected officers and monitors that their complaints are to be reviewed by the Board;
  - ▶ drafted letters to the Chief and affected officers notifying them of the Board's findings;
  - ▶ drafted requests for transcripts and recommendations for mediation to the Chief;
  - ▶ created file inventory checklist;
  - ▶ conducted daily file accounting and inventory;
  - ▶ received and logged-in complaints, opened and closed case files;
  - ▶ prepared and assembled monthly meeting packets for Board members, including photocopying complaints, reports and accompanying documents for review;
  - ▶ assisted with the preparation of meeting minutes;
  - ▶ scheduled regular meetings, outreach meetings and training dates, times and locations;
  - ▶ coordinated training speakers and materials;
  - ▶ facilitated media inquiries between reporters and Board members;
  - ▶ maintained regular communications with Board members; and
  - ▶ answered inquiries from the community about the CPRB and the complaint review process.

## CONCLUSION

The Board had a very active fourth quarter drafting and finalizing the Spanish version of the complaint form; continuing its review of complaints; participating in on-going training on issues such as excessive use of force and violation of civil rights; maintaining its on-going program of public outreach and education by reaching out to community leaders, community organizations and the Union through the Board's Speaker's Bureau, distributing an informational brochure about the Board and its Mediation Program; launching its new Website; and holding public meetings.

Respectfully submitted

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

Dated: November 19, 2001