

**City of Albany  
Citizens' Police Review Board  
Albany Public Library  
161 Washington Avenue – Large Auditorium  
January 9, 2006  
6:00 p.m. – 8:00 p.m.**

**Present:** Jason Allen, Beresford Bailey, Barbara Gaige, Judith Mazza, and Michael Whiteman.

**Absent:** Ronald Flagg, Marilyn Hammond, and Paul Weafer.

**I. Call to Order and Roll Call**

Chairperson Barbara Gaige called the meeting to order at 6:06 p.m. A quorum of the Board was present.

**II. Approval of the Agenda**

The agenda was reviewed. Michael Whiteman moved to approve the agenda. Jason Allen seconded the motion. The motion carried unanimously.

**III. Approval of the December 2005 Meeting Minutes**

The December 2005 meeting minutes were reviewed. Jason Allen moved to approve the minutes. Reverend Bailey seconded the motion. The motion carried unanimously.

**IV. New Business**

A. *New Complaints*

1. New complaints received since the December 2005 Meeting

Chairperson Gaige reported that two (2) new complaints had been received by the Board since its December 5, 2005 meeting. Judith Mazza read a summary of each new complaint.

**CPRB No. 35-05**

On November 22, 2005, the complainant was riding in a Ford Ranger with a Caucasian man. While driving down First Street in Albany, a Jeep signaled for the vehicle to pull over and the driver complied. The complainant alleges that once the vehicle was pulled over, the officer pulled the complainant from the passenger seat in a “violent and angry” manner, while the driver remained in the vehicle. The complainant claims that the officer then started to search him and during the search the officer “hit and pushed” the complainant around. When no

drugs were found on the complainant or the driver, the officer allegedly conducted a search of the vehicle. While conducting the vehicle search, a glass tube was found under the seat. The officer then requested that both men provide identification, and a computer check was performed by the officer. The complainant alleges the officer then “planted” the glass tube in his eye glass case and said, “Take this as a lesson.” The officer then released the Caucasian driver without issuing him a traffic infraction or charge. The complainant was subsequently charged with three offenses. The complainant claims that the officer was looking for a victim and that he became a target of racial profiling. The complainant is now afraid of the police department, as a result of this type of “unprofessional ethics,” and he feels threatened to walk the streets in the City of Albany.

*A monitor was appointed to this complaint.*

**CPRB No. 36-05**

The complainant alleges that the police have been passing him in their cars while he is waiting for the bus, at his home with his family, and at his job. The complainant believes that the police started following him as a result of a problem he had with an individual, and he believes that person has or knows someone in the police department. On December 13<sup>th</sup> and 14<sup>th</sup> between 8:50-9:10 a.m., the complainant alleges he was standing on the corner of Lark Street and Central Avenue in Albany protesting. The complainant claims that a police officer stopped his car and asked him to stop protesting or else he would “break [the complainant’s] sighn [sic] into . . . one thousand pieces.” The complainant also alleges that the officer asked if he was a terrorist. The complainant requests that this incident be investigated and he states that many people in his church, family, and job know about this. The complainant writes that he believes that many bad things are happening in the City of Albany and that he refuses to remain silent about it.

*A monitor was appointed to this complaint*

2. New complaints for review

Chairperson Gaige reported that there were no new complaints on the agenda for review, and suggested that the members appointed to the Committee on Complaint Review for January serve on the Committee for February.

B. *Appointment of two new members to the Committee on Complaint Review for February 2006*

The following Board members were appointed to the Committee on Complaint Review for February 2006: Jason Allen, Barbara Gaige, Judith Mazza, Paul Weafer, and Michael

Whiteman. Michael Whiteman replaced Marilyn Hammond since she will be unavailable to serve on the Committee in February due to a scheduled surgery.

Judith Mazza asked whether the Office of Professional Standards (OPS) had any idea how many new complaints would be ready for the next meeting.

Police Chief James Tuffey was recognized. Chief Tuffey commented that there will be a change in the procedures of the OPS, and that he will review every complaint and the OPS's preliminary reports before they come before the Board. The Chief explained that the OPS will report directly to the Chief and he will review each complaint to make sure that a thorough investigation has taken place. He noted that complaints will now be grouped into four different categories from the most serious cases to those cases that may be less serious or administrative matters, and complaints will be investigated based on their group – the most important and serious cases will be given high priority.

### *C. Committee/Task Force Reports*

#### Policy Review/Recommendations

Committee Chairman Jason Allen gave the report. Chairman Allen reported that he and Board Chairperson Gaige met with the new Chief and Assistant Chief Paula Breen for their first Policy Committee meeting. At the meeting, the Committee and the Chief discussed the complaint filed over the summer by the Coalition for Accountable Police and Government. Chief Tuffey stated that was amenable to setting up a meeting with the Coalition to discuss the issues presented in their complaint. Chairperson Gaige suggested that the Government Law Center be in charge of coordinating the meeting time and date.

A coalition member, Bill Washburn, was recognized. He wanted to confirm with the Board that they were proceeding with what had been agreed upon earlier with Chief Turley. The Board confirmed that this was the intent. Mr. Washburn was appreciative.

Chief Tuffey explained his policing style. He stated that his style is different from his predecessors. He reported that he had already met with twenty or more different individuals, including citizens, community leaders, and advocates. The Chief commented that he does not want the discussion to end after one meeting, but rather that the discussion be on-going. The Chief stated that he is also planning to hold community meetings, in which members of the community will get a chance to come in and give their input. The Chief noted that there are some issues that happened in the past that would be difficult for him to go back to because he does not want to second guess how the issues were handled. The Chief stated that anything that happens on his watch will be his complete responsibility.

Bill Washburn asked the Chief whether he had a chance to read the Coalition's complaint. Mr. Washburn noted that the complaint is many-fold, and speaks historically to potential wrongdoing that needs to be addressed in order for there to be accountability

and integrity in the Albany Police Department. The Chief responded by saying he had read the complaint, but that there are issues that he cannot go back to because they are being litigated. He added that he will consider recommendations about closed cases.

Mr. Washburn commented on the issue of forfeiture funds and the abuse of overtime. He stated that he is encouraged by the procedural changes being implemented regarding forfeiture funds.

As to overtime abuse, Chief Tuffey explained that overtime will no longer be allowed without his approval. He noted that he reviews and questions all overtime. He added that he is required to report overtime to the Comptroller's Office, and therefore, is responsible for accounting for all overtime in the Department.

Coalition member, Betsey Mercogliano, was recognized. She questioned the Chief about a "Tuffey Box" that Chief Turley said would contain all the unresolved issues that the Coalition brought in their complaint. Chief Tuffey responded that he is reviewing all information forwarded by the former Chief.

Chairperson Gaige interjected and requested that the conversation between the Chief and the Coalition continue at the meeting that they have agreed to schedule.

Jason Allen concluded his report by stating that the Chief agreed to continue to attend the Policy Committee's monthly meetings at 5:00 p.m., and that the Committee will come up with agendas before each meeting.

#### By-Laws Committee

Committee Co-Chairman, Michael Whiteman, gave the report in Paul Weafer's absence. He noted that the committee had nothing new to report.

#### Community Outreach

Committee Chairperson, Judith Mazza, gave the report. She reported that the committee is currently attempting to make the complaint form available at different venues. She noted that the committee has done some outreach to area churches. She then read the list of the new venues that have agreed to make complaint forms available to the public. She concluded her report by stating that the committee is updating its brochure and complaint forms, and that completion of these updates is expected to occur in the next few months.

#### Mediation

Committee Chairperson Barbara Gaige gave the report. She stated that she discussed mediation with Chief Tuffey at the Policy Committee meeting because mediation is going to be a department policy, not part of the union negotiations. She reported that once the Chief gets settled, the Committee will schedule meetings with the Department, Union,

and stakeholders to begin developing the mediation protocols. She commented that the Chief supports mediation as a way to solve problems.

#### Public Official Liaison

In the absence of Committee Chairman Ronald Flagg, Government Law Center Senior Staff Attorney Justina Cintrón Perino noted that the committee had nothing new to report.

#### Standing/Complainant

In the absence of Task Force Chairman Paul Weafer, Chairperson Gaige reported that she would like to schedule a second Task Force meeting to continue the discussion of standing and the definition of complainant.

#### D. *Elections for Board Positions*

Chairperson Gaige read the slate of nominations for Board Officers: Barbara Gaige - Chair, Jason Allen - Vice-Chair, and Ronald Flagg - Secretary. Michael Whiteman moved to accept the slate as presented. Beresford Bailey seconded the motion. The motion carried unanimously.

#### E. *Report of the Government Law Center (GLC)*

Justina Cintrón Perino gave the report.

#### Complaint Summary

As of the date of the meeting, it was reported that there were 18 active complaints before the Board for review. Nine (9) complaints are suspended from review, and a total of 208 complaints have been filed with the Board to date.

#### Mediation

It was reported that the GLC had forwarded a copy of Lauri Stewart's report to Chief Tuffey.

#### Outreach

It was reported that the GLC is supporting the Outreach Committee in its ongoing effort to update the Board's outreach materials and work on expanding the Board's outreach program. It was noted that the Board had received a very positive response to the letters sent to the area churches as was reported by the Outreach Committee. The GLC is currently compiling a list of neighborhood shelters, community groups, clinics, etc. which may be possible venues for complaint forms.

It was reported that the GLC expects to have updated drafts of the Board's brochure, complaint form, and web site in February.

### Training

The Board was forwarded a proposed training schedule for 2006. Members were asked to confirm whether or not they were available for each of the quarterly training sessions.

### Appointments-Reappointments

The Board's newest member, Hon. Fowler J. Riddick, was introduced. Mr. Riddick is a member of the Albany County Legislature, who was recently appointed by the Mayor to fill the seat vacated by Herman Thomas.

#### F. *Report from the Office of Professional Standards*

Assistant Chief Steven Krokoff gave the report. In addition to the complaints the Office is currently investigating, the OPS is processing applicants for telecommunications specialists, police officers, and firefighters. The OPS is also completing its reports for the Department of Labor on job-related injuries. The OPS recently completed task line and building inspections of uniform and detective personnel, and is in the process of reviewing sick time use and better management. Assistant Chief Krokoff concluded by reporting that Detective Kathy Hendrick is in the process of completing the OPS's Fourth Quarterly Report.

#### G. *Report from the Chair*

Chairperson Gaige reported that she, Board member Marilyn Hammond, and Justina Cintrón Perino attended the NACOLE conference in December. She reported that the conference was very interesting, and encouraged the Police Department to send a representative to the conference in the future.

### V. **Public Comment**

The floor was opened for public comment.

Dr. Alice Green was recognized. She requested clarification on how the complaint process would now work under the new Chief. Chairperson Gaige explained that before the Board receives the OPS's preliminary findings, the Chief will review the findings and make sure a thorough investigation was conducted.

Dr. Green noted concern with the statistics on racial profiling that were handed out at the December meeting. She believes that the statistics are not a true indication of what is happening on the streets. She claims that on the street, the average black male is stopped and questioned. She is concerned about racial profiling and is not certain of what the Board is going to do with

the statistics and the issue of racial profiling. She also noted concern with the racial and ethnic makeup of the police department, which she believes is still a problem. She inquired about recruitment efforts and feels the Board should be concerned with this issue. Dr. Green commented that there is a need to look at the arrest and contact statistics of areas where the racial makeup is predominantly black and predominantly white.

Chairperson Gaige noted that during Chief Turley's presentation of the statistics at the last meeting, he pointed out that one of the problems with the statistics is that it does not take into account the student population because they are not included in the Census. Therefore, the statistics for some of the areas are skewed.

Jason Allen added that Chief Turley stated that there is a correlation between the arrests and where the individuals live; you do not see too many people coming in and getting arrested in neighborhoods that they do not reside in. Mr. Allen noted the data is raw data and, therefore, can be interpreted in many different ways or forms.

Dr. Green commented that the data needs to be reviewed and interpreted, adding that raw data is not helpful if it is not explained.

Dr. Green inquired as to whether the Board made a decision on standing and how this affects her complaint. Chairperson Gaige responded by saying that the Task Force has not reached a final determination on the definition of standing. The Board has looked at how other NACOLE members define standing and there is a wide variety of definitions.

Dr. Green asked what was meant by the Public Liaison Committee. Chairperson Gaige explained that it is the committee that keeps in contact with the Common Council and the Mayor's Office.

Melanie Trimble was recognized. She welcomed the new Board member. She noted concern with how the Board will resolve the standing issue. She commented that she hopes the Board will make an exception for mentally ill complainants who would need someone else to file on their behalf. She added that if the definition of standing is too narrow, the Board would be excluding an entire population from the complaint review process.

The issue of a racial profiling policy was raised. Chairperson Gaige confirmed that the Albany Police Department does in fact have a policy on racial profiling, which has been in place since May 2004. Dr. Green stated that the police department has never made a strong public statement against the use of racial profiling. Ms. Trimble commented that it was unfortunate that a statement has not been made or a press release issued to make the public aware of the fact that the Albany Police Department has established a formal policy. Ms. Trimble concluded her remarks by noting that she has received a copy of Lauri Stewart's mediation report, and hopes that the Board will continue to move forward with the mediation program. She encouraged the Board to call upon her agency if it could be of assistance.

**VI. Adjournment**

Judith Mazza moved to adjourn the meeting. The motion was seconded by Jason Allen. The meeting was adjourned at 6:44 p.m.

Respectfully Submitted,

Ronald Flagg  
Secretary