

City of Albany

CITIZENS' POLICE REVIEW BOARD

Annual Report 2009

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



Ninth 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 Ninth Annual Report so submitted, covering the Board's operations from November 1, 2008 to October 31, 2009.

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 ninth 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

Jean Gannon

Appointed 1/28/2009

Term Expires: 10/26/2009

Marilyn Hammond

Appointed: 12/3/2008

Term Expires: 10/26/2011

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: 10/26/2008

Reverend Edward Smart

Appointed: 3/20/2008

Term Expires: 10/26/2009

** resignation effective June 2009*

Appointments and Re-appointments

First Quarter

City of Albany Mayor Gerald D. Jennings appointed former Board member Marilyn Hammond as a member of the CPRB to serve a term which will expire on October 26, 2011. She was appointed to fill the seat vacated by Hon. Fowler Riddick. Hon. Fowler Riddick served on the Board from January 2006 until January 2009.

Second Quarter

The City of Albany's Common Council re-appointed Board member Anthony Potenza to a two-year term and Chairman Jason Allen was re-appointed to a three-year term. The City of Albany's Common Council appointed Jean Gannon as a member of the CPRB to serve a three-year term which will expire on October 26, 2012. Ms. Gannon was appointed to fill the seat vacated by James Malatras. Mr. Malatras served on the Board from October 2006 until June 2008.

Fourth Quarter

The Government Law Center sent a letter to Albany City Mayor Gerald Jennings and the City of Albany's Common Council regarding the re-appointments of Jean Gannon and Rev. Edward Smart. The GLC also requested that Mayor Jennings and the City of Albany's Common Council fill the vacancies left by Daniel Fitzgerald, John Paneto and Andrew Phelan when their terms expire in October 2009.

The Board's Secretary, Andrew Phelan, agreed to be considered for another term on the Board. The GLC also sent a letter to Mayor Jennings and the City of Albany's Common Council regarding the re-appointments of Andrew Phelan, Jean Gannon, and Rev. Edward Smart.

Resignations

During the first quarter of 2009, in correspondence dated January 9, 2009 to the CPRB, Board member John Paneto announced that he would not seek re-appointment upon the expiration of his term in October 2009.

During the third quarter of 2009, in correspondence dated June 9, 2009 to the CPRB, Board member Daniel Fitzgerald announced his resignation from the Board effective immediately.

During the fourth quarter of 2009, in correspondence dated October 22, 2009 to the CPRB and members of the City of Albany's Common Council, Board member John Paneto officially announced that he was not seeking re-appointment once his term ended, and the letter served as 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 first two quarters of 2009, Board members Marilyn Hammond and Jean Gannon attended and participated in the Board's orientation program which consisted of two (2) sessions. The first session of the orientation program was coordinated and facilitated by the Government Law Center to educate the new member about the Board's organization and operation and included training on the CPRB Legislation; By-Laws and Rules of Procedure; the complaint review process; the Board's public education and community outreach program; the role of the Government Law Center as administrative staff; the Open Meetings Law; the Freedom of Information Law; Section 50-a of the New York Civil Rights Law; an introduction on laws relating to Civil Rights violation and excessive use of force; and ethics. The second session of the orientation program was coordinated and facilitated by the Albany Police Department's Office of Professional Standards to comprise of training to educate both members on the APD's organization and operation.

New Member Citizens' Police Academy

During the second and third quarter of 2009, new Board members Marilyn Hammond and Jean Gannon attended the APD's Citizens' Police Academy as a part of their training requirement. The Citizens' Police Academy consists of fifteen (15) three-hour training sessions. These sessions included an overview of the Albany Police Department, including its command structure; patrol unit; and the Office of Professional Standards. As part of their training, they were required to participate in a ride-along with an APD officer. The ride-along consists of a Board member riding with an APD officer during his/her work shift. This serves as an opportunity for the Board members to observe the interaction between the officers and the community.

Officers

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

Chair	Jason Allen	
Vice-Chair	Hon. Fowler Riddick	<i>*until the end of the first quarter of 2009</i>
	Ronald Flagg	<i>*beginning at the end of the first quarter of 2009</i>
Secretary	Ronald Flagg	<i>*until the end of the first quarter of 2009</i>
	Andrew Phelan, Jr.	<i>*beginning at the end of the first quarter of 2009</i>

At the Board's January 8, 2009 meeting, nominations were held for officer positions pursuant to Article IV, Section 1 of the Board's By-Laws. At the Board's January 26, 2009 meeting, the slate was presented, voted on, and approved unanimously to elect Jason Allen as Chair, Ronald Flagg as Vice-Chair, and Andrew Phelan, Jr. as Secretary.

Committees and Task Forces

At the Board's January 8, 2009 meeting, nominations and elections for Committee/Task Force positions were held. The Board unanimously agreed to keep the Committee/Task Force positions the same, with the exception of the Police Department Liaison Committee, for which the Board voted to replace Daniel Fitzgerald as Chair. The slate was presented, voted on, and approved unanimously to elect Andrew Phelan, Jr. as Chair of the Police Department Liaison Committee.

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

<i>By-Laws and Rules</i>	Jason Allen (Chair) Hon. Fowler Riddick	<i>*ended in 1st Quarter</i>
<i>Community Outreach</i>	John Paneto (Chair) Rev. Edward Smart (Co-Chair) Jason Allen (<i>ex-officio</i>) Hon. Fowler Riddick	<i>*ended in 1st Quarter</i> <i>*ended in 1st Quarter</i>
<i>Complaint Review</i>	Andrew Phelan, Jr. (Chair) Jason Allen Daniel Fitzgerald Ronald Flagg Jean Gannon Marilyn Hammond John Paneto Anthony Potenza Hon. Fowler Riddick Rev. Edward Smart	<i>*ended in 3rd Quarter</i> <i>*commenced in 2nd Quarter</i> <i>*commenced in 1st Quarter</i> <i>*ended in 4th Quarter</i> <i>*ended in 1st Quarter</i>
<i>Mediation</i>	Jason Allen (Chair)	
<i>Police Department Policy Review/Recommendations</i>	Daniel Fitzgerald (Chair) Andrew Phelan, Jr. (Chair) Jason Allen (<i>ex-officio</i>) Anthony Potenza	<i>*ended in 1st Quarter</i> <i>*commenced in 1st Quarter</i>
<i>Public Official Liaison</i>	Ronald Flagg (Co-Chair) Jason Allen (Co-Chair) Marilyn Hammond Andrew Phelan, Jr. Anthony Potenza	
<i>Task Force on Monitors</i>	Jason Allen (<i>ex-officio</i>)	

BY-LAWS AND RULES/MEDIATIONFirst Quarter

In November 2008, the Board met with Deputy Chief Stephen Reilly, Deputy Mayor Philip Calderone, Police Chief James Tuffey, and members of the Government Law Center to update them on the Board's four (4) initiatives. Acting collaboratively with the APD, the Board established a new procedure for receiving community complaints involving alleged police misconduct. The new procedure was created to ensure that the names of potential complainants who make themselves known to the APD but do not go as far as filling out complaint forms have their names forwarded to the CPRB for outreach. Where someone fails to fill out a complaint form, the Board will now reach out to them to tell them about the Review Board and the complaint process. The process has been engaged and is working well with great support from the Albany Police Department and Government Law Center. The APD's Early Warning System should be up and running in January 2009. The Board agreed that its Policy Committee Chairman Daniel Fitzgerald should look into what the vision of this tool is for the Board; what support does the Board want to get out of it; and what trends will be reported. The Board's initiative for cameras in police vehicles was falling into place. The financing for audio and video in police vehicles was approved in July and an order was placed. There are two (2) policies of the Albany Police Department's Standard Operating Procedure that are being drafted concerning audio and video and strip searching.

In December 2008, the Board met with the City of Albany Common Council's Public Safety Committee to discuss its concern with the lack of progress on developing the mediation program. The mediation program is the Board's fourth initiative. The members of the Public Safety Committee agreed to look into this concern.

During this quarter, the Board also reviewed its complaint scorecards. It was agreed that the Board did not like to see so many cases not reviewed within sixty (60) days. The Board requested that the OPS make sure they get cases within sixty (60) days, as required by the law, or they can make the recommendation that sixty (60) days is not a realistic target. The National Association for Civilian Oversight of Law Enforcement (NACOLE) has a number of municipalities that have a target of one hundred and twenty (120) days. The OPS agreed to research whether sixty (60) days is manageable and realistic to investigate its cases.

Second Quarter

In February 2009, the Board sent an article to Albany Chief of Police James Tuffey regarding efforts that the Los Angeles Police Department (LAPD) was making with its mediation program. The article was sent to assist the APD with accepting mediation as a solution to resolving disputes.

Third Quarter

The Board discussed its concern about the status of the mediation program and ideas on how to move it forward. The Board agreed to address its concern with Chief of Police James Tuffey and Mayor Gerald Jennings to get the program moving forward.

Fourth Quarter

At its September 10, 2009 meeting, Chairman Allen informed the OPS that the Board was concerned about the lack of a mediation program and the Early Warning System. The Board agreed that it would be helpful if both parties would be able to sit down and discuss what transpired. The Board strongly believes that mediation is very important in bringing closure to an issue, so the Board will continue to push for the mediation program.

At its October 22, 2009 meeting, the Board discussed the OPS investigation of complaints within sixty (60) days of filing. Currently, the Board has to wait for OPS to investigate complaints before the complaint can be reviewed. The time frame for this appears to be longer than sixty (60) days which is required under the City Ordinance. The Board discussed the implementation of a triage system in handling complaints. Under this system, complaints that are privileged, non-jurisdictional, not overly specific or non-statutory can be dismissed within thirty (30) days because they do not have to go to the Board. This suggestion was rejected because complaints must be investigated by the OPS. The Board also discussed the possibility of not reading the new complaints at the beginning of meetings. The Board agreed to wait on making a decision on the reading of new complaints at the beginning of a meeting.

COMMUNITY OUTREACH

First Quarter

Board member John Paneto resigned as Chair of the Community Outreach Committee. The Board accepted Mr. Paneto's resignation.

In January 2009, members of the Community Outreach Committee met with the National Association for the Advancement of Colored People (NAACP)'s Executive Committee. The CPRB made some recommendations to the NAACP asking for input from its Board. The meeting was an opportunity for an exchange of very good ideas. The NAACP is interested in many things that the Board is working on.

The Board also drafted a press release regarding its issue notification process that was released to the media.

Second Quarter

On February 4, 2009, Board members Anthony Potenza and Reverend Edward Smart

conducted an outreach presentation for the Gay, Lesbian, Bisexual and Transgendered (GLBT) Council. The meeting went very well and the organization had some good questions for the Board. The GLBT Council was appreciative that the Board gave the presentation.

On March 2, 2009, Board member Ronald Flagg and Coordinator of the Board Sharmaine Moseley met with Professor Jose Luiz De Amorim Ratton, Jr. Mr. Ratton is a professor from Brazil who was researching civilian review boards for a future attempt to replicate it in the very large town where he resides in Brazil. The town in which Professor Ratton resides had 999 homicides in the past year and it is believed that a civilian police review board might be helpful for the area. The professor also met with District Attorney David Soares and staff at the School for Criminal Justice. The City of Albany was a last minute stop for the professor on his countrywide tour and he appreciated the discussion with Mr. Flagg and Ms. Moseley.

On April 29, 2009, Chairman Jason Allen met with the New York Civil Liberties Union (NYCLU). The NYCLU suggested that the Board not only send letters to the complainant before the case is heard, but in case there is a literacy issue, the Board should call complainants as well prior to their complaint being reviewed. The GLC agreed to call complainants in addition to mailing notices to them. The outreach meeting with the NYCLU was a good exchange of information.

Third Quarter

Board member Anthony Potenza conducted an outreach presentation for the Center Square Neighborhood Association. It was a positive meeting with an audience of seven (7) people from the neighborhood association present. Mr. Potenza explained the operations of the CPRB and what the CPRB does. One (1) member of the neighborhood association was very surprised that the names of the target officers were not given to the Board when reviewing complaints. At that meeting, there was one (1) person who was familiar with the CPRB because that person attended a few of the CPRB meetings as an observer.

Chairman Jason Allen and Board member Jean Gannon conducted an outreach presentation for the Hudson Neighborhood Association.

A meeting was scheduled for members of the committee to meet with a special visitor from Trinidad and Tobago, Senior Superintendent Margaret Gwynette Sampson-Browne to discuss the CPRB. This meeting was arranged by the International Center of the Capital Region and the U.S. Department of State's International Visitor Leadership Program.

Fourth Quarter

The Board agreed to draft a list of groups and neighborhood associations to meet with for outreach. The Board continued to send out Board meeting notifications to neighborhood associations. A follow-up meeting with the NAACP was planned for Chairman Allen to attend.

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 ninth year of operation:

<i>November 2008</i>	Jason Allen, John Paneto, Andrew Phelan, Jr., and Anthony Potenza.
<i>December 2008</i>	Jason Allen, Ronald Flagg, John Paneto, Andrew Phelan Jr., and Hon. Fowler Riddick.
<i>January 2009*</i>	Jason Allen, Ronald Flagg, John Paneto, Andrew Phelan Jr., and Anthony Potenza.
<i>February 2009</i>	Jason Allen, Ronald Flagg, John Paneto, Andrew Phelan Jr., Anthony Potenza, and Reverend Edward Smart.
<i>March 2009*</i>	Jason Allen, Ronald Flagg, Marilyn Hammond, John Paneto, Andrew Phelan Jr., Anthony Potenza, and Reverend Edward Smart.
<i>April 2009</i>	Jason Allen, Ronald Flagg, Marilyn Hammond, John Paneto, Andrew Phelan Jr., Anthony Potenza, and Reverend Edward Smart.
<i>May 2009</i>	Jason Allen, Daniel Fitzgerald, Marilyn Hammond, John Paneto, Andrew Phelan Jr., and Anthony Potenza.
<i>June 2009</i>	Jason Allen, Jean Gannon, Marilyn Hammond, John Paneto, and Andrew Phelan Jr.
<i>July 2009</i>	Ronald Flagg, Jean Gannon, John Paneto, Andrew Phelan Jr., and Anthony Potenza.
<i>August 2009</i>	<i>The Board did not meet in August 2009.</i>
<i>September 2009</i>	Ronald Flagg, Marilyn Hammond, John Paneto, and Anthony Potenza.
<i>October 2009</i>	Jean Gannon, Andrew Phelan, Anthony Potenza and Reverend Smart.

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

COMPLAINT REVIEW: SUMMARIES AND STATISTICS

Section 42-340C of Chapter 42, Part 33 of the Albany City Code charges the Board with providing “statistics and summaries of citizen complaints, including a comparison of [its] findings with the final determinations of the [Police] Department.”

First Quarter

The Board received twelve (12) new complaints in addition to its sixty-three (63) active complaints and six (6) suspended complaints. Monitors were appointed to investigate five (5) of the twelve (12) new complaints. Of the seventy-five (75) complaints before the Board, the Board presented twenty (20) complaints for review and rendered findings for the allegation(s) contained in eighteen (18) complaints. These eighteen (18) complaints contained a total of thirty-eight (38) allegations of misconduct.

As to the twenty (20) complaints reviewed, the Board made findings consistent with the preliminary findings of the Office of Professional Standards in eighteen (18) cases. Of the twenty (20) complaints reviewed, the Board was unable to render findings on one (1) complaint and inadvertently failed to vote on the motion before it on one (1) complaint. During the first quarter of 2009, Board action was taken on one (1) complaint. This action included the Board voting unanimously not to accept and review a notice of claim because an official complaint form was not filed with the Board. The case was closed without prejudice.

Second Quarter

The Board received twelve (12) new complaints in addition to its fifty-six (56) active complaints and six (6) suspended complaints. All six (6) of the suspended complaints were carried over from previous quarters. Monitors were appointed to investigate six (6) of the twelve (12) new complaints. Of the sixty-eight (68) complaints before the Board, the Board presented twenty-three (23) complaints for review and rendered findings for the allegation(s) contained in twenty-one (21) complaints. These twenty-one (21) complaints contained a total of forty-eight (48) allegations of misconduct.

As to the twenty-three (23) complaints reviewed, the Board made findings consistent with the preliminary findings of the Office of Professional Standards in twenty-one (21) cases. Of the twenty-three (23) complaints reviewed, Board action was taken on two (2) complaints. These actions included the Board voting unanimously to table rendering its findings and requesting that the OPS conduct a more thorough and complete investigation of the complaints. Of the twenty-one (21) 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 twenty-one (21) cases.

Third Quarter

The Board received fifteen (15) new complaints in addition to its forty-seven (47) active complaints and six (6) suspended complaints. All six (6) of the suspended complaints were carried over from previous quarters. Monitors were appointed to investigate seven (7) of the fifteen (15) new complaints. Of the sixty-two (62) complaints before the Board, the Board presented twelve (12) complaints for review and rendered findings for the allegation(s) contained in all twelve (12) complaints. These twelve (12) complaints contained a total of thirty-six (36) allegations of misconduct.

As to the twelve (12) complaints reviewed, the Board made findings consistent with the preliminary findings of the Office of Professional Standards in all twelve (12) cases. The findings of the Albany Police Department for these twelve (12) complaints were consistent with the Board's findings in all cases.

Fourth Quarter

The Board received thirteen (13) new complaints in addition to its fifty (50) active complaints and eleven (11) suspended complaints. Six (6) of the eleven (11) suspended complaints were carried over from previous quarters. Five (5) of the eleven (11) suspended complaints were suspended during this quarter. Monitors were appointed to investigate six (6) of the thirteen (13) new complaints. Of the sixty-three (63) complaints before the Board, the Board presented ten (10) complaints for review and rendered findings for the allegation(s) contained in ten (10) complaints. These ten (10) complaints contained a total of twenty-one (21) allegations of misconduct.

As to the ten (10) complaints reviewed, the Board made findings consistent with the preliminary findings of the Office of Professional Standards in all 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 ninth year of operation (November 1, 2008 to October 31, 2009), the Board received a total of fifty-two (52) complaints (See Figure 1.) The Board received an average of four and one-third (4.3) complaints per month from November 2008 to October 2009. 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).

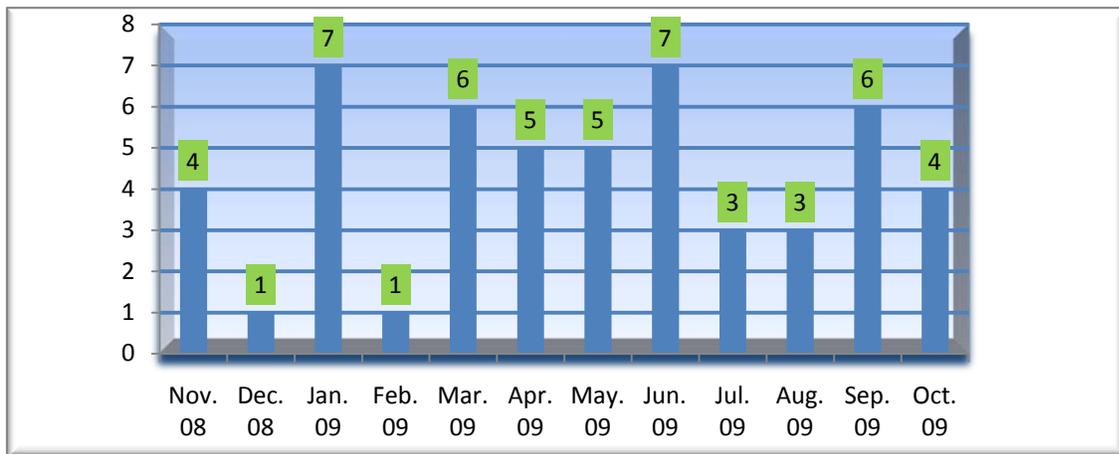


Figure 1: Monthly breakdown of complaints filed November 1, 2008 to October 31, 2009
Total fifty-two (52).

Since the Board’s inception (October 27, 2000 to October 31, 2009), the Board received a total of four hundred and five (405) complaints (See Figure 2.) The Board received an average of forty-five (45) 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).

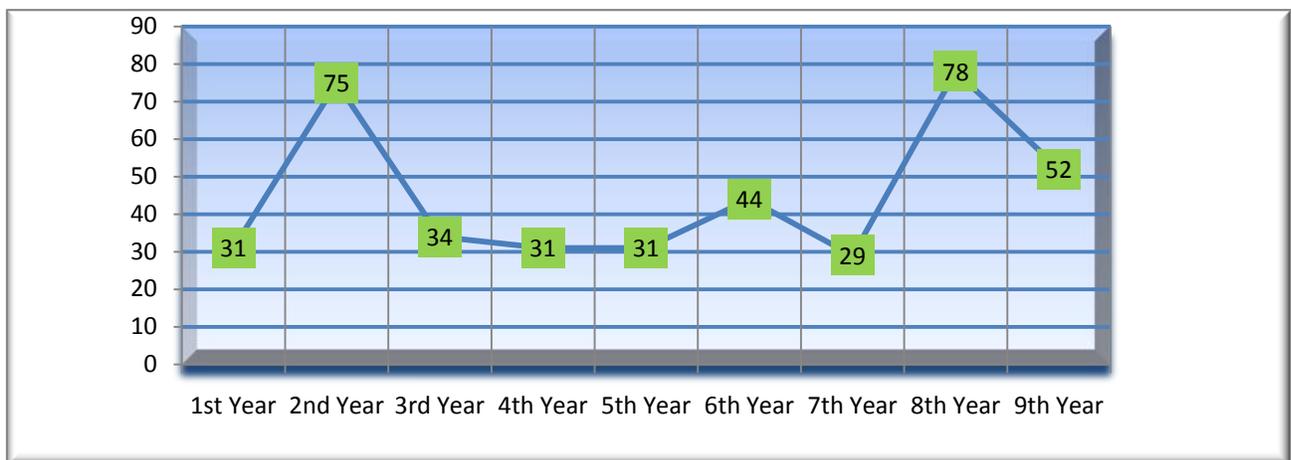


Figure 2: Yearly breakdown of complaints filed October 27, 2000 to October 31, 2009
Total four hundred and five (405).

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 fifty-two (52)

complaints filed in the ninth year, the Board appointed a monitor to observe the OPS's investigation of twenty-four (24) 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 fifty-two (52) complaints filed with the Board in the ninth year, twenty-seven (27) contained information from the complainant regarding the complainant's gender. Of the fifty-two (52) complaints filed with the Board in the ninth year, twenty-three (23) contained information from the complainant regarding the complainant's race/ethnicity. Of the fifty-two (52) complaints, twenty-two (22) contained information from the complainant regarding the complainant's gender and race/ethnicity. The twenty-two (22) identified complainants in these fifty-two (52) complaints, comprised of: five (5) African-American females; nine (9) African-American males; three (3) Caucasian males; two (2) Hispanic males; two (2) Hispanic females and one (1) Mixed male (See Figure 3.)

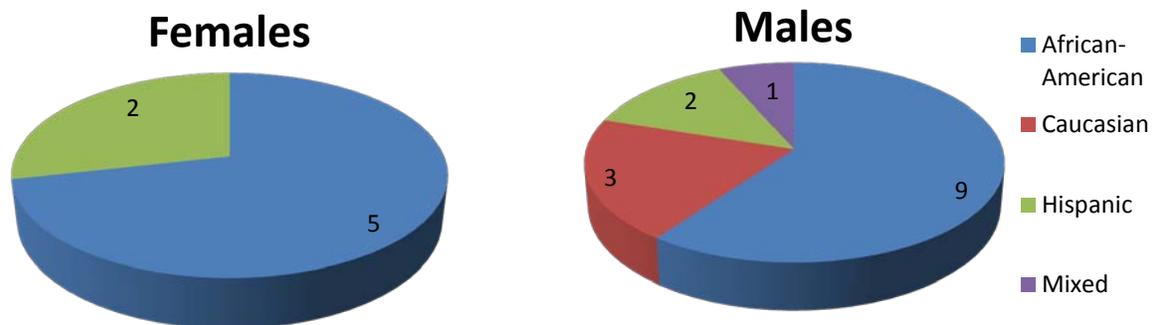


Figure 3: Race/Ethnicity and Gender of the Complainant

Of the fifty-two (52) complaints filed with the Board in the ninth year, fifty (50) were submitted on a complaint form; while two (2) complainants submitted a written complaint not using the Citizen Complaint Form. Of those fifty-two (52) complaints, twenty-seven (27) complainants chose not to submit information regarding their race/ethnicity or gender. However, in all twenty-seven (27) of those complaints the gender of complainant, sixteen (16) males and eleven (11) 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 three (3) of the fifty-two (52) complaints, the complainants submitted information about their gender but not race/ethnicity. Also, in two (2) of the fifty-two (52) complaints, although the complainant chose not to submit information regarding his race/ethnicity and 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. Forty-eight (48)¹ police officer descriptions, including race/ethnicity and/or gender, were included within the fifty-two (52) complaints filed with the Board in the ninth year.

Thirty-seven (37) of the fifty-two (52) complaints filed with the Board included information about the police officer's gender provided by the complainants. Forty-four (44) of the forty-eight (48) police officer gender descriptions, however, were redacted by the Office of Professional Standards. Of the forty-four (44) police officer gender descriptions that were redacted, the gender of thirty-seven (37) officers (male) and one (1) officer (female), were determined from the language contained in the complaint. Four (4) of the forty-eight (48) police officer gender descriptions were not redacted by the Office of Professional Standards. Of the four (4) police officer gender descriptions that were not redacted, the genders of all four (4) police officers were male. Concerning the gender information of fifteen (15) police officers that was not provided by the complainant, the genders of five (5) male police officers were determined from the language contained in the complaint.

The ethnicity/race of forty (40) police officers was provided by the complainants. Thirty-nine (39) of the forty (40) 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 one (1) police officer ethnicity/race description that was not redacted, the ethnicity/race of the one (1) police officer was Caucasian.

Of the fifty-two (52) complaints filed with the Board in the ninth year, descriptions for police officers in eleven (11) complaints were either not included or the information was unknown.

Allegations Contained in the Complaints

In the ninth year of operation, the numbers of allegations were determined in forty-four (44) of the fifty-two (52) complaints filed with the Board. Nineteen (19) of the forty-four (44) complaints contained a single allegation of misconduct against an officer or officers of the Albany Police Department. Twenty-five (25) of the forty-four (44) complaints contained multiple allegations, with a majority of these complaints averaging three (3) misconduct allegations. The allegations could not be determined for eight (8) of the fifty-two (52) complaints filed with the Board, because five (5) of those complaints were suspended, and OPS preliminary reports were

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 forty-eight (48) police officer descriptions are of forty-eight (48) different officers or are of a number of the same officers.

not received for three (3) of those complaints.

One hundred and one (101) allegations were made in the forty-four (44) complaints where allegations could be determined. Of the one hundred and one (101) allegations, the Board identified four (4) categories of allegations. Sixteen (16) sub-categories of allegations were also identified, one (1) of which fell under the category of Arrest Authority and Procedures, seven (7) of which fell under the category of Call Handling, six (6) of which fell under the category of Unprofessional Conduct Standards, and 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.

Three percent (3%) of the allegations identified in the forty-four (44) complaints filed with the Board were classified as arrest authorities and procedures.

Arrest Authority and Procedures	1
False/Illegal/Improper/Unlawful Arrest	2
Call Handling	7
Illegal/Improper/Unlawful Search	1
Illegal/Improper/Unlawful Stop/Detention/Questioning/Search/Harassment	6
Illegal/Improper/Unlawful Entry into Private Residence	3
Illegal/Improper/Unlawful Ticketing	1
Improper Handling of Personal Property	3
Failure/Refusal to Provide Information/Assistance	2
Failure to Complete Report/Investigate/Handle Report	3
Unprofessional Conduct Standards	23
Lied Under Oath	2
Rude/Disrespectful	10
Derogatory/Inappropriate/Profane/Offensive/Vulgar/Threatening/Racially-Biased/Unnecessary Language	16

Theft	1
Harassment	2
Violation of Civil Rights	1
Use of Force	1
Excessive Use of Force	7
Unnecessary Use of Force	9

Figure 4: Allegations Contained in Complaints Filed - Total 101

Figure 4 illustrates the allegations made in forty-four (44) identifiable complaints filed with the Board. Given that many of these complaints contained more than one allegation, the total number of allegations made is not equal to the number of complaints filed with the Board.

Twenty-six percent (26%) of the misconduct alleged was classified as call handling. Call handling included: illegal, improper; or unlawful searches; harassment; 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; and failure or refusal to provide or accept a complaint form.

Fifty-four percent (54%) of the allegations identified in the complaints were classified as unprofessional conduct standards. Unprofessional conduct standards included allegations of lying; rude/disrespectful behavior toward the complainant; language; theft; harassment; and violation of civil rights. Language was identified as unnecessary, derogatory, inappropriate, profane, offensive, vulgar, threatening, or racially-biased.

Use of force accounted for seventeen percent (17%) of the misconduct alleged. The use of force allegations were identified as excessive or unnecessary use of force.

Suspension of Review

“Upon the written recommendation of the Corporation Counsel, the Common Council or the Mayor may suspend the [Board’s] review of any complaint where a separate criminal investigation is underway or where a civil action against the City is underway, or pending.” (See § 42-348). At the beginning of its ninth year of operation, the Board had six (6) suspended complaints which were carried over from previous years of operation. At the end of the ninth year, the Board had eleven (11) suspended complaints.

Board and Police Department Findings

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

2007-2008

At the conclusion of the Board's eighth year of operation, findings had not yet been made with respect to sixty-four (64) active complaints. Three (3) of the sixty-four (64) complaints were filed in the Board's fifth year of operation (November 1, 2004 - October 31, 2005). Two (2) of the sixty-four (64) complaints were filed in the Board's sixth year of operation (November 1, 2005 - October 31, 2006). One (1) of the sixty-four (64) complaints was filed in the Board's seventh year of operation (November 1, 2006 - October 31, 2007). These complaints were not reported and rendered findings in the Board's Eighth Annual Report and were, therefore, carried forward into the ninth year.

2008-2009

In the Board's ninth year of operation, fifty-two (52) complaints were filed with the Board. In addition, sixty-four (64) complaints were carried forward from the Board's eighth year of operation. The Board reviewed sixty-five (65) complaints and rendered findings for sixty-one (61) complaints. Fifty-two (52) of the sixty-five (65) complaints reviewed were previously not reviewed and were, therefore, carried forward into the Board's ninth year of operation. Out of the fifty-two (52) complaints that were filed in the Board's ninth year, the Board reviewed and rendered findings for the allegations contained in nine (9) complaints that were filed in the ninth year. Out of the sixty-four (64) complaints that were carried forward from the Board's eighth year of operation, the Board reviewed and rendered findings for fifty-two (52) of those complaints.

Figure 5: Comparison of Findings Made by the Board, the OPS, and the Police Department (November 1, 2008-October 31, 2009)

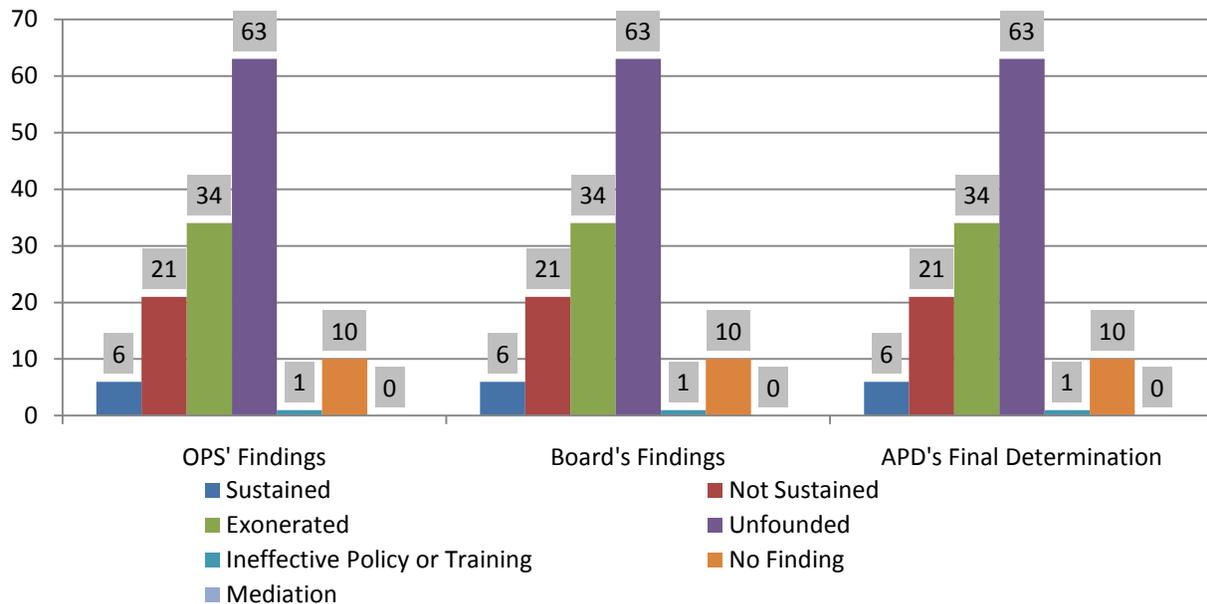


Figure 5 depicts a comparison of the findings made by the Board and the findings made by the Police Department, including the preliminary findings of the Office of Professional Standards and the Albany Police Department’s final determinations.

In its ninth year of operation, since twenty-nine (29) of the sixty-one (61) complaints that were reviewed and closed contained multiple allegations of misconduct, the number of findings made is not equal to the number of complaints in which findings were rendered. The sixty-one (61) complaints that were reviewed and closed contained a total of one hundred and thirty-five (135) allegations of misconduct.

As to the sixty-one (61) complaints reviewed and closed, the Board made findings consistent with the preliminary findings of the Office of Professional Standards in all sixty-one (61) cases.

Further Investigation

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

In its ninth year of operation, of the sixty-five (65) complaints reviewed, the Board sent three (3) complaints reviewed back to the Office of Professional Standards for further investigation. These complaints involved two (2) allegations of call handling; and eight (8)

allegations of conduct standards. Two (2) of these complaints were reviewed and closed by the Board in the third quarter of 2009 after a further investigation was completed by the OPS. The finding for one (1) complaint was still being investigated by the OPS and will not be reported in the Board's Ninth Annual Report. 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 ninth year, the Board had no complaints that were referred to mediation in the Board's ninth year of operation because its mediation program is still being developed.

Complaints Reviewed and Closed

At the close of its ninth year in October 2009, the Board reviewed sixty-five (65) complaints and closed a total of sixty-one (61). Figure 6 illustrates a monthly comparison of the number of complaints reviewed and closed by the Board between November 1, 2008 and October 31, 2009.

One (1) complaint was reviewed in November 2008 and again in January 2009, where it was closed, because the motions for the three (3) allegations failed to carry when the Board voted. The Board reviewed the complaint for the second time in January because a majority vote was needed to pass and close the complaint.

One (1) complaint was reviewed in January 2009 and again in July 2009, where it was closed, because the motions for four (4) of the six (6) allegations failed to carry. The Board reviewed the complaint for the second time in July because a majority vote was needed to pass and close the complaint.

One (1) complaint was reviewed in January 2009 and again in March 2009, where it was closed, because the Board inadvertently failed to vote on the findings of the complaint.

Two (2) complaints were reviewed in March 2009 and sent back to the OPS for further investigation. One (1) of these complaints was reviewed and closed by the Board in June 2009.

One (1) complaint was reviewed in May 2009 and again in July 2009, where it was closed, because the motion regarding the complaint finding failed to carry by a 4-1 vote. The Board reviewed the complaint for the second time in July because a majority vote was needed to pass and close the complaint.

One (1) complaint was reviewed in June 2009 and again in July 2009, where it was closed, because the Office of Professional Standards inadvertently failed to list all of the allegations in the

complaint.

At the conclusion of the ninth year of operation, the Board had not yet made findings with respect to sixty (60) complaints, forty-nine (49) of which are open and active complaints and eleven (11) of which are complaints that have been suspended from the Board’s review. None of these sixty (60) complaints will be reported in the Board’s Ninth Annual Report and, therefore, they all will be carried forward into the tenth year.

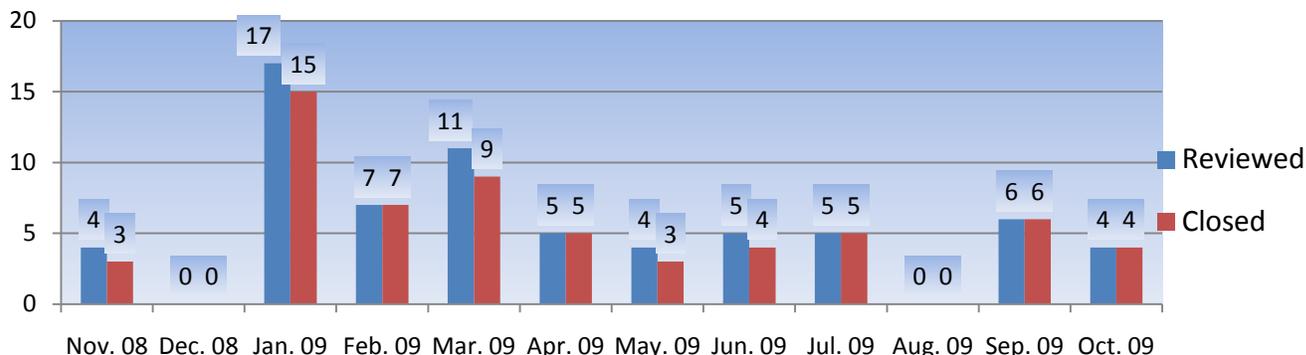


Figure 6: Monthly Comparison of Complaints Reviewed and Closed for the period November 1, 2008 to October 31, 2009.

GRIEVANCE FORM REVIEW: SUMMARIES AND STATISTICS

In its ninth year of operation, the Board received sixty (66) new grievance forms from the OPS, in addition to its fifty-one (51) grievance forms that were received in its eighth year of operation. Of the sixty-six (66) grievance forms, twenty (20) complaint forms were filed.

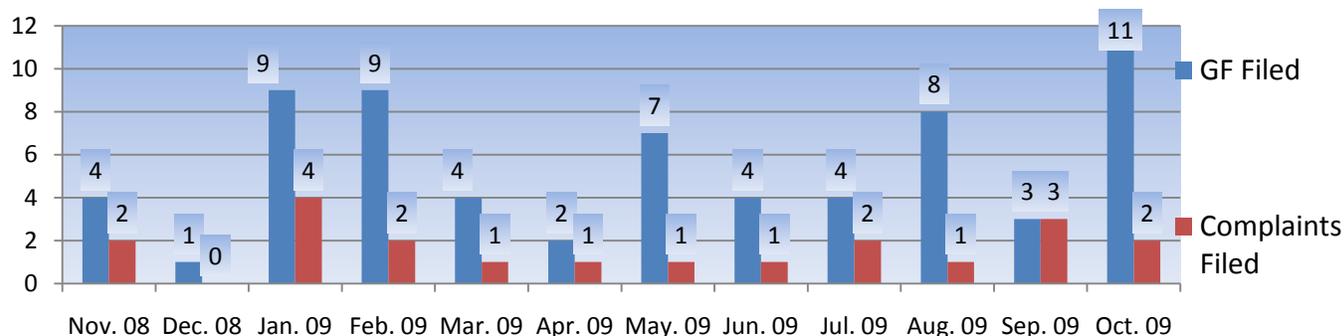


Figure 7: Monthly Comparison of Grievance Forms Filed and Complaints Filed for the period November 1, 2008 to October 31, 2009.

POLICY REVIEW/RECOMMENDATIONS

First Quarter

The Board continued working with the APD on the video installation of cameras and audio in police vehicles and the Early Warning System. The financing for the cameras and audio for the police vehicles was approved in July of 2009, and an order was placed. The APD is drafting the standard operating procedures for the cameras, audio, and strip searching. The Board continued its discussions with the APD about the APD's Early Warning System and is looking forward to seeing how the system would work for the Board. On January 28, 2009, Chair of the Police Department Liaison/Police Review Committee Andrew Phelan, Jr., participated in a demonstration of the APD's new Early Warning System.

Second Quarter

Committee Chairman Andrew Phelan met with the OPS for an overview of the APD's new Early Warning System called IAPRO. IAPRO is used by the New York City Police Department and other police agencies. The system keeps track of civilian complaints, administrative investigations, car accidents, use of force, and injuries to police officers. Information could be generated by locations and shifts. The system would include information on the complainant, police officer, and how many times incidents occurred. The APD started inputting information in the beginning of 2009, so it has two and a half months of information in the system as of the second quarter of 2009.

On April 28, 2009, the members of the Committee met with the OPS to discuss what the reports from the Early Warning System would look like. At this meeting, the Committee requested that the OPS provide it with a standard report each month. The Committee agreed to think about what should be included in the report so that the identities of the officers are protected. The Committee and the OPS also discussed the status of the cameras and audio in all police vehicles. Cameras and audio have been installed in eight (8) police vehicles. The City purchased thirteen (13) new cars which will need to be equipped with the cameras. Wireless Access Points need to be installed throughout the City so that the video downloads to the server. The APD is continuing the drafting of the Standard Operating Procedures (SOP) for the cameras and audio. The Committee requested that it be given an opportunity to review the SOP when it is complete.

Third Quarter

On May 27, 2009, Committee Chairman Andrew Phelan, Jr., Chairman Jason Allen, and staff of the Government Law Center participated in a conference call with the OPS to discuss how long it will be before all the cameras are installed in police vehicles and the status of the Early Warning System. It will take forty (40) weeks for the contractor to install the cameras in forty (40) police vehicles. The equipment is in the cars but not the cameras. The Board has not seen the Standard Operating Procedures for the cameras yet. The APD has one (1) wireless access point in place while three (3) others are waiting to be installed. The OPS is looking at best

practices regarding its Early Warning System.

Fourth Quarter

The Board continued working with the APD on the video installation of cameras and audio in police vehicles and the Early Warning System. On September 16, 2009, members of the Committee met with the OPS staff to discuss the installation of cameras and audio in police vehicles and the Early Warning System. As of September 16, 2009, seventeen (17) police vehicles were outfitted with hardware. Cameras were not installed yet to prevent false impressions. The OPS and the Board agreed that the Board needed to provide the APD with the types of data it is looking for the system to produce, and the APD needed to look at how the information which is generated by the system would be shared with the Board.

As of October 22, 2009, the APD completed the installation of twenty-seven (27) cars with in-car camera updates. There were twenty (20) cars left that needed one (1) day camera installs. It was estimated by the APD that the cameras would be fully operational in mid to late November 2009. Training for the new in-car cameras was scheduled for November 2009. The Board discussed with the OPS the possibility of being able to see the SOP for the cameras from the APD. The OPS agreed to provide the Board with a copy of the SOP for the cameras and the Early Warning System once it is complete.

PUBLIC OFFICIAL LIAISON

Second Quarter

On April 17, 2009, a meeting was held with Mayor Gerald Jennings, Chairman Jason Allen, Corporation Counsel John Reilly, Deputy Mayor Philip Calderone and Board members Andrew Phelan Jr., Anthony Potenza, and Ronald Flagg to update them on the Board's four (4) recommendations. The new grievance form process is working well. The Board is continuing communication with the OPS regarding the installation of cameras in police vehicles. The APD purchased software for the Early Warning System, so the Board will be scheduling an upcoming meeting to discuss how the system will be utilized. The mediation program continues to be at a standstill because the Union representatives are not on board because it conflicts with its guidelines.

The Committee also scheduled a meeting with the Common Council's Public Safety Committee to update them on the Board's four (4) initiatives. This meeting was scheduled to take place during the Board's third quarter.

Third Quarter

On May 6, 2009, Chairman Jason Allen, members of the Public Official Liaison Committee, and staff of the Government Law Center met with the Common Council's Public Safety Committee. The meeting was an opportunity to update the Public Safety Committee on the Board's four (4) initiatives which included: the grievance form process, the Early Warning

System, the status of cameras in APD patrol cars, and the mediation program. The Public Safety Committee would like a demonstration of the Early Warning System as well as a view of the outputs. Public Safety Committee Chairman Joseph Scalzo suggested and agreed to set up a sub-committee with members of the Common Council and CPRB to discuss steps in moving the mediation program forward.

On May 7, 2009, Chairman Jason Allen, members of the Public Official Liaison Committee, and staff of the Government Law Center met with City Corporate Counsel John Reilly because Deputy Mayor Philip Calderone was unavailable. The meeting was to update the City on the status of the Board's four (4) initiatives. At that meeting, Corporation Counsel Reilly agreed to facilitate a meeting regarding mediation with Chief of Police James Tuffey and the APD Union representatives.

Fourth Quarter

In August 2009, members of the Public Official Liaison Committee met with Margaret Sampson-Browne. Ms. Sampson-Browne is the Senior Superintendent of Police in Trinidad and Tobago. She is responsible for the recruitment and training of new police officers; development and implementation of all programs for female law enforcement serving in the police force and other agencies; and for all developmental programs for the ranks in the police force. The International Center of the Capital Region (ICCR) asked the CPRB to meet with Ms. Sampson-Browne to discuss police/community relations.

At its October 22, 2009 meeting, the Committee confirmed a meeting scheduled with Deputy Mayor Philip Calderone and City Corporation Counsel John Reilly for November 10, 2009. The Committee also agreed to schedule a meeting with the Common Council's Public Safety Committee for the first quarter of 2010. These meetings are opportunities to update City officials on the Board's four (4) initiatives which included: the grievance form process, the Early Warning System, the status of cameras in APD patrol cars, and the mediation program.

TASK FORCE ON MONITORS

First Quarter

The Board discussed the monitor protocol with APD Deputy Chief Stephen Reilly. All agreed to get the monitors involved earlier in the investigative process.

Second Quarter

At its April 9, 2009 meeting, the Board agreed that clarification is needed on page eight (8) in the monitors' protocol to clarify billing. The Board will review the protocol and vote on any changes at its May meeting.

The GLC looked into hiring new monitors due to the increased case load of the Board. The number of monitors which the Board had originally had decreased. The Board and the GLC

would like to increase the pool of monitors. The Board agreed to meet with the GLC staff to discuss how to advertise for the experience the Board was looking for, the interview process, and the number of monitors to be hired.

Third Quarter

At its May 14, 2009 meeting, the Board approved the red-lined changes to its monitors' protocol. These changes were the results of meetings between the monitors, the OPS, and the Board. Also at this meeting, Board member Jean Gannon agreed to chair the Task Force on Monitors Committee.

Monitor Albert Lawrence requested a four (4) month leave of absence, and Theresa Balfe requested a six (6) month leave of absence from their duties as CPRB monitors. With monitors Theresa Balfe and Albert Lawrence on a leave of absence, the Board has three (3) monitors left in rotation. As a result, the Board requested that the GLC put together a plan for a search for new monitors.

Fourth Quarter

Vice-Chair of the Board Ronald Flagg and staff of the GLC interviewed ten (10) possible new monitors. The interview committee selected five (5) to serve as monitors for the Board. The new monitors' experience included several years of investigative work in state agencies and with the state police. In September 2009, the GLC notified the selected monitors and started organizing a training session. In October 2009, the GLC sent a letter to the Mayor and the Common Council asking for official approval of the monitors, as required by the Board's legislation.

REPORTS

In its ninth year of operation, two (2) quarterly reports were submitted to the Board for approval. Each report detailed the activities of the Board and the Government Law Center during each time period covered. The Second and Third Quarterly Reports of 2008 were adopted by the Board before the close of the ninth 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

On November 12, 2008, Board member Andrew Phelan, Jr. and GLC Coordinator of the Board Sharmaine Moseley participated in an American Bar Association teleconference on Police Liability and the Use of Force.

Third Quarter

Board members Jean Gannon, Marilyn Hammond and GLC Coordinator of the Board Sharmaine Moseley registered to attend the National Association for Civilian Oversight of Law Enforcement (NACOLE) Conference scheduled for October 31 – November 3, 2009 in Austin, Texas. The CPRB requested that the APD send a representative from the Department.

Fourth Quarter

In October 2009, Board members Marilyn Hammond and Coordinator of the Board Sharmaine Moseley attended the 15th Annual NACOLE conference in Austin, Texas. The Conference provided an opportunity for community members, practitioners of police oversight, and law enforcement officials to exchange information about police oversight and law enforcement accountability. Some of the issues discussed at the conference included use-of-force, dealing effectively with the mentally ill, mediation of complaints, and police ethics.

MEETINGS OF THE BOARD

The Board met as a whole eleven (11) times for the conduct of business in the ninth year. The meetings held in the ninth year of operation took place at the Albany Public Library, 161 Washington Avenue, in the Large Auditorium and Albany Law School, 80 New Scotland Avenue, in the Dean Alexander Moot Courtroom. 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 13, 2008, January 8, 2009, and January 26, 2009. In the second quarter, three (3) regular monthly meetings were held on February 12, 2009, March 12, 2009, and April 9, 2009. The Board met three (3) times for the conduct of business during the third quarter. Meetings were held on May 14, 2009, June 11, 2009, and July 23, 2009. In the fourth quarter, the Board met as a whole two (2) times for the conduct of business. Meetings were held on September 10, 2009 and October 22, 2009.

OTHER

10th Year Anniversary of the CPRB

During the second quarter of 2009, the GLC informed the Board that next year marks the 10th year anniversary of the CPRB. The GLC was thinking about hosting a mini-conference on

citizen oversight in celebration of this milestone. Therefore, the GLC requested that the Board form a sub-committee to help plan the event. Board member Ronald Flagg volunteered to serve as Co-Chair for the sub-committee.

On April 16, 2009, the GLC met with Chairman Jason Allen to discuss the 10th year anniversary of the CPRB in the upcoming year. The logistics of the possible conference were discussed, as well as potential costs.

CPRB Survey/Evaluation

During the second quarter of 2009, the GLC met with City of Albany Corporation Counsel John Reilly and Director of the John F. Finn Institute for Public Safety, Inc., Robert Worden, to discuss a potential evaluation, or survey, of complainant satisfaction with regard to the Board's handling of their complaint. At that meeting, it was agreed that the Finn Institute would conduct an evaluation which would be completed in time for the citizen oversight mini-conference.

Center for Law and Justice Performance

During the fourth quarter of 2009, the GLC was contacted by the Center for Law and Justice about a performance taking place at the Capital Repertory Theatre on Pearl Street. A representative from the Center for Law and Justice informed the Board that the play was about previously incarcerated men and women. Chairman Jason Allen and Reverend Edward Smart attended the performance.

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 2009, 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 participated in a conference call between Board Chairman Jason Allen, Deputy Chief Stephen Reilly, and OPS Detective Kathy Hendrick regarding the monitors' protocol and the Board's four (4) initiatives.
- Arranged logistics for and participated in an American Bar Association teleconference on Police Liability and Use of Force.
- Arranged logistics for Board participation in a demonstration of the APD's new Early Warning System.
- Arranged logistics for and participated in discussions with members of the Board, Alison Redlick from the School of Criminal Justice, Robert Worden from the FINN Institute, City officials, and Chief Tuffey regarding the CPRB evaluations/surveys.
- Finalized the order of business cards for the Board.
- Drafted and forwarded correspondence to Chief James Tuffey regarding CPRB No. 16-08/OPS No. C08-327.
- Forwarded to the Board correspondence received from Chief James Tuffey regarding CPRB No. 22-07/OPS No. C07-590 and CPRB No. 8-08/OPS No. C08-138.
- Drafted and forwarded correspondence to Chief Tuffey requesting the APD's final determinations for complaints reviewed by the Board.
- Drafted and forwarded correspondence to the Mayor and the Common Council regarding the vacancies on the Board.
- Drafted and forwarded correspondence to the NAACP about the percentage of complaints sustained by OPS and CPRB.
- 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 the City regarding Freedom of Information Law (FOIL) requests.
- Drafted and forwarded press release to the media regarding its enhanced complaint procedure.
- Drafted and forwarded correspondence to the Albany Law Career Center in regard to the student work study positions available with the CPRB.

- Interviewed and hired two student interns to assist with the CPRB database, quarterly reports and minutes.
- Drafted and forwarded correspondence to the Board regarding Monitor Theresa Balfe's request for a temporary leave of absence.
- Contacted Board members and rescheduled meeting for December 2008 due to the weather.
- Prepared memorandum summarizing monitor assignments for each open and active complaint in the first quarter, and forwarded the memo to the OPS, Assistant Chief Bruno, and members of the CPRB.
- 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.

Second Quarter

During the second quarter of 2009, the Government Law Center engaged in the following activities:

- Arranged logistics for and participated in a meeting between the Board's Policy Review Committee and OPS regarding cameras in police vehicles and the early warning system.
- Arranged logistics for and participated in a meeting with members of the Board and Professor Jose Luiz De Amorim Raton Jr. who was conducting research on civilian police boards for the Brazilian town where he resides.
- Arranged logistics for and participated in a meeting with Mayor Gerald Jennings, Deputy Mayor Philip Calderone, Corporation Counsel John Reilly and members of the board.
- Arranged logistics for and participated in a meeting with Chairman Jason Allen to discuss monitor spending, a possible internal audit procedure, and appropriate monitor protocol.
- Arranged the delivery of business cards to the Board members who requested them.
- Arranged logistics for Board members Marilyn Hammond and Jean Gannon to undergo required training, specifically ensuring timely enrollment in the APD Citizens' Police Academy.

- Arranged logistics for an upcoming meeting between the Board’s Public Official Liaison Committee and the Common Council’s Public Safety Committee.
- Arranged logistics for an upcoming meeting between the Board’s Public Official Liaison Committee and Deputy Mayor Philip Calderone.
- Arranged logistics to schedule and, later, cancel a meeting between the Board’s Public Official Liaison Subcommittee and Reverend Faust.
- Distributed a news article regarding the LAPD mediation program from Chairman Jason Allen to the Board and Chief James Tuffey.
- Forwarded the redlined monitor’s protocol to the Board.
- Distributed an article of interest titled “Public Access to Police Internal Affairs Files” to the Board.
- Drafted and forwarded correspondence to Chief James Tuffey regarding CPRB No. 12-08/OPS No. C08-177; CPRB No. 13-08/OPS No. C08-164; and CPRB No. 16-08/OPS No. C08-327.
- Drafted and forwarded correspondence to Chief James Tuffey requesting the APD’s final determinations for complaints reviewed by the Board.
- Forwarded correspondence to the Board from Chief Tuffey on the APD’s final determinations for complaints reviewed by the Board.
- Drafted and forwarded to the Board for review its Second Quarterly Report for 2008.
- Forwarded the Board’s 2008 Second Quarterly Report to its members, City of Albany public officials, and residents.
- Forwarded to the Board for its records, updated copies of the Open Meetings Law and Freedom of Information Law.
- Notified organizations, community groups, and complainants of the Board’s public meeting by posting a press release in City Hall, and sending out via mail and e-mail notices and press releases.
- Forwarded the updated database scorecard to the OPS and members of the Board.
- Continued the development of the CPRB electronic database.

Third Quarter

During the third quarter of 2009, the Government Law Center engaged in the following activities:

- Coordinated, scheduled, and engaged in meetings and discussions between the Board and City officials regarding Board initiatives.
- Coordinated, scheduled, and engaged in a meeting and discussion with the Albany Common Council's Public Safety Committee and the Board.
- Arranged logistics for and participated in a conference call between the Board's Policy Review Committee and OPS regarding cameras in police vehicles and the early warning system.
- Registered two (2) Board members and one (1) staff person from the Government Law Center to attend the 2009 NACOLE Conference in October 2009.
- Drafted and forwarded to the Board its Third Quarterly Report for 2008 for review.
- Worked with Albany Law School's Human Resources Department in creating a job description and want ad for CPRB monitors.
- Forwarded want ad to Corporation Counsel's office for approval.
- Drafted and forwarded correspondence to the Mayor and Common Council notifying them of the need to fill the vacancy created by Daniel Fitzgerald's resignation, the vacancies that will be left by John Paneto and Andrew Phelan, Jr. when their terms expire in October 2009, and the re-appointments of Board members Jean Gannon and Reverend Edward Smart.
- Received and forwarded to the Board and the Mayor the resignation letter of Board member Daniel Fitzgerald.
- Received and forwarded to the Board correspondence from the Emmaus Intervention Project with Recent Immigrants and Refugees regarding CPRB No. 15-09.
- Forwarded to the Board from the OPS, statistics from its Early Warning System IAPRO.
- Drafted and forwarded correspondence to Detective Kathy Hendrick regarding CPRB No. 16-08/OPS No. C08-327.
- Drafted and forwarded correspondence to complainant for CPRB No. 39-08 regarding the delay in the Board making a finding in the case.

- Drafted and forwarded correspondence to Chief James Tuffey requesting the APD's final determinations for complaints reviewed by the Board.
- Forwarded correspondence to the Board from Chief Tuffey on the APD's final determinations for complaints reviewed by the Board.
- Forwarded correspondence to the Board from Chief Tuffey regarding the APD's Prisoner Transport Vehicle.
- Forwarded the redlined monitor's protocol to the OPS, Deputy Chief Stephen Reilly, and monitors.
- Ordered CPRB Brochures in English and Spanish.
- Drafted and forwarded to the Board for review its Third Quarterly Report for 2008.
- Forwarded the Board's 2008 Third Quarterly Report to its members, City of Albany public officials, and residents.
- Notified organizations, community groups, and complainants of the Board's public meeting by posting a press release in City Hall, and sending out via mail and e-mail notices and press releases.
- Drafted and forwarded correspondence regarding Freedom of Information Law (FOIL) requests.
- Forwarded the updated database scorecard to the OPS and members of the Board.
- Continued the development of the CPRB electronic database.

Fourth Quarter

During the fourth quarter of 2009, the Government Law Center engaged in the following activities:

- Forwarded correspondence to Board members from the Albany Police Department Coalition against Racism and Bigotry.
- Arranged logistics for a CPRB Policy Committee meeting with APD Command Staff regarding cameras, early warning, and mediation initiatives on September 16, 2009.
- Arranged logistics for a meeting with Deputy Mayor Calderone on November 10, 2009.

- Forwarded correspondence to Board members regarding an invitation to The International Center of the Capital Region Citizen Diplomat Recognition Program: Thanking you for Shaping US Foreign Relations, One Handshake at a Time.
- Attended the 15th Annual NACOLE Conference in October 2009.
- Forwarded correspondence to the Board from NACOLE regarding designating a CPRB member to exercise the Board's vote as 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.
- Arranged logistics for the Public Official Liaison Committee to meet with Margaret Sampson-Browne, an international visitor from Trinidad and Tobago.
- 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 the Mayor and the Common Council regarding the vacancies on the Board.
- Drafted and forwarded correspondence to Deputy Chief Stephen Reilly regarding CPRB No. 50-08/OPS No. C08-629.
- Drafted and forwarded correspondence to Commander Ron Matos regarding CPRB No. 66-08/OPS No. C08-405.
- Forwarded correspondence from the Mayor to the Board regarding the suspension of CPRB No. 79-08, CPRB No. 3-09, CPRB No. 5-09, CPRB No. 10-09, and CPRB No. 35-09.
- Drafted and forwarded correspondence to five (5) complainants notifying them that their complaints were suspended by the Mayor until further notice.
- Advertised for monitors positions and collected resumes from over forty (40) applicants.
- Started arranging logistics for a meeting and training session with the newly hired monitors.
- Drafted correspondence to the Mayor and the Common Council requesting official approval of the selected monitors, as required by CPRB legislation.

- Drafted and forwarded correspondence to the City regarding Freedom of Information Law (FOIL) requests.
- Arranged logistics for Board members to go on ride-alongs with the APD to fulfill the training requirements dictated by the Board's legislation.
- Prepared memorandum summarizing monitor assignments for each open and active complaint in the fourth quarter, and forwarded the memo to the OPS, Assistant Chief Bruno, and members of the CPRB.
- 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 ninth year, the Government Law Center also performed the following administrative tasks:

- Scheduled and revised the Board's 2009 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 and assembled regular monthly meeting packets for Board members, including: photocopying complaints, reports, and accompanying documents for review;
- Prepared a summary of new complaints filed with the Board for presentation by the Chair of the Committee on Complaint Review at each monthly meeting;
- Prepared findings forms for the recording of Board determinations by members of the Committee on Complaint Review at each monthly meeting;
- 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 ninth year of operation. In its ninth year, the Board re-elected Board officers; expanded its education and outreach program; served as guest lecturers to community-based organizations and schools; reviewed sixty-five (65) complaints and closed a total of sixty-one (61) of its active complaints; held eleven (11) regular monthly meetings; held several committee/task force meetings; participated in a conference call; met with an international visitor; participated in the 2009 NACOLE Conference; and participated in meetings with Chief of Police James Tuffey, the Office of Professional Standards, the Albany Common Council's Public

Safety Committee, and City officials.

After nine 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