

City of Albany

CITIZENS' POLICE REVIEW BOARD

Quarterly Report August 1, 2001

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



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

August 1, 2001

Submitted to:
The Mayor of the City of Albany
The Common Council of the City of Albany
The Police Chief of the City of Albany

BACKGROUND

Legislation creating the City of Albany Citizens' Police Review Board (the "Board") was signed into law in July 2000, taking effect on October 27, 2000. The law adds a new part 33 to Chapter 42 (Departments and Commissions) of the Code of the City of Albany. Section 42-340 of that law requires that the Government Law Center of Albany Law School submit quarterly reports containing "statistics and summaries of citizen complaints, including a comparison of the [Board's] findings with the final determinations of the [Police] Department" on behalf of the Board. This is the third quarterly report so submitted.

INTRODUCTION

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

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

The Government Law Center of Albany Law School was retained by the City of Albany to provide a number of services to the Board, the City and the Community with respect to the new Board. Many of these are discussed, as appropriate, below.

ORGANIZATION OF THE BOARD

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

Chair	Kenneth Cox
Vice -Chair	Herman Thomas
Secretary	Michael Whiteman

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

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

During the third quarter, the committees, particularly the Operating Procedures Committee and the Outreach Committee, met regularly. In general, the following has been accomplished during this quarter:

- The Complaint Form Committee met with the City's Corporation Counsel, Ennio Corsi, and Lieutenant Anthony Bruno, Office of Professional Standards (OPS), to discuss further revisions to the complaint form and cover letter. Revisions were made by the committee and the Corporation Counsel and copies of the final draft complaint form and cover letter were forwarded to the Board for approval. At its May 7, 2001 meeting, the Board approved the revised form and cover letter and Chairman Kenneth Cox announced that the work of this committee was now complete.
- The adopted complaint form and cover letter has been forwarded to several area agencies that have agreed to distribute the form and assist complainants in filling out and filing the form. The new complaint form and cover letter are available in English and will be made available in Spanish.

- The Operating Procedures Committee met twice with Lieutenant Anthony Bruno, Ennio Corsi and the staff of the Government Law Center (GLC) during the third quarter. At the first meeting, the committee, Lieutenant Bruno, Mr. Corsi and the staff of the GLC reviewed the proposed procedures and identified issues that should be addressed in the adopted operating procedures. The committee distributed to the Board, the Corporation Counsel and OPS a proposed draft of the operating procedures for their review. At a second meeting, the committee, Lieutenant Bruno, Mr. Corsi and the staff of the GLC discussed and revised the proposed procedures. At its May 7, 2001 meeting the draft proposed procedures were adopted as a "work in progress" for the review of pending cases. However, the adoption of final operating procedures was postponed to a later date. At the end of the quarter, the committee met a third time to make enhancements and modifications to the draft CPRB operating procedures. Final operating procedures adopted by the Albany City Police Department for the conduct of investigations when a monitor has been appointed were forwarded to the CPRB and the Board investigators.
- The Public Outreach Committee met twice during the third quarter to discuss the Board's on-going program of public education. At the start of the quarter, the committee met with the staff of the GLC to discuss the content and layout of an informational brochure and Board Web site. Draft copies of the brochure have been forwarded by the committee to the Board, Corporation Counsel and OPS for review. A sample Web site was forwarded to the Board members for initial feedback.
- Two members of the public outreach committee, Kenneth Cox and Judith Mazza appeared on a local cable access show, "Law Matters" to discuss the role of the Citizens' Police Review Board and the complaint review process. In addition, the speakers bureau of the outreach committee met with the Police Union twice and made a presentation to the New York Civil Liberties Union. At the committee's request, the GLC has called a number of constituent organizations to arrange for future presentations by CPRB members.
- Members of the Board met with the Police Commissioner to discuss its concerns about racial profiling and bias-based policing. Pursuant to authority granted to it under the law, which provides that the Board "may make recommendations to the Common Council and the Mayor regarding police policies and practices....," the Board adopted Resolution 1 of 2001 recommending that steps be taken to eliminate the potential for bias-based policing in the City of Albany.
- The Board met as a whole three times for the conduct of business and once for a special meeting during the third quarter. Three meetings were held at the Albany Public Library on Washington Avenue, and one meeting was held in the Community Room at 200 Henry Johnson Blvd . Meetings were held on May 7, 2001, June 4, 2001, June 11, 2001 and July 16, 2001. There was a public comment period at each meeting. The meetings, except for the June 11th special meeting, which was held for the purpose of electing permanent officers,

largely consisted of discussion of operating procedures and the review of complaints.

- The first Monday of every month at 7:00pm continues to be the official meeting time for the Board. Meetings will be held at the Albany Public Library when space is available, and the Community Room at Henry Johnson Blvd will be the alternate meeting location.

TRAINING

The law creating the Board requires, among other things, that Board members graduate from the Police Department's Citizens' Police Academy within six months of the start of the member's term (sec. 42-339) and that the Board undergo continuing education on issues related to the interaction between civilians and police officers. During the third quarter, the Board participated in training on the use of excessive force and violation of civil rights as well as the operating procedures adopted by the Albany City Police Department for the conduct of investigations when a monitor has been appointed. An Open Meetings Law refresher was also provided.

STATISTICS

After creation of the Board and appointment of its members, Board members received an opinion of the City of Albany Corporation Counsel's office that the Board could not receive, hear or process complaints until after the Board's By-laws and Rules of Procedure had been adopted by the Board and approved, pursuant to the legislation, by the City of Albany Common Council. At the start of the third quarter, the Board met these requirements, which enabled the Board to receive, hear and process complaints. As a result, the Board is now charged with providing "statistics and summaries of citizen complaints, including a comparison of the [Board's] findings with the final determinations of the [Police] Department."

During the third quarter, the Board received 16 complaints. Of the 16, six cases have been reviewed by the Board. The following is a summary of those cases:

Complaint No. 1-01

Nature of Allegation(s): Use of excessive force

OPS Action: No finding

CPRB Action: Requested more information in the form of transcripts from the Police Department and of interviews conducted during the investigation.

Complaint No. 2-01

Nature of Allegation(s): Rudeness/insensitivity

OPS Action: Sustained in part, not sustained in part

CPRB Action: Sustained in part, not sustained in part

Complaint No. 3-01
Nature of Allegation(s): Inappropriate treatment
OPS Action: Sustained
CPRB Action: Sustained

Complaint No. 4-01 [monitor appointed]
Nature of Allegation(s): Use of excessive force
OPS Action: Exonerated
CPRB Action: Exonerated, with suggestion for referral to mediation

Complaint No. 6-01
Nature of Allegation(s): Improper conduct by off-duty police officer
OPS Action: Unfounded
CPRB Action: Unfounded

Complaint No. 8-01
Nature of Allegation(s): Improper arrest
OPS Action: Unfounded
CPRB Action: Review tabled

GOVERNMENT LAW CENTER

During the third quarter, the Government Law Center engaged in the following activities as directed by the local law and pursuant to its contractual obligations with the City of Albany:

- ▶ Arranged logistics for and coordinated [public] notice for Board meetings.
- ▶ Attended Board meetings, committee meetings and training programs.
- ▶ Assisted the Board with work on the by-laws, the complaint form and cover letter, and public education.
- ▶ At the Board's request, drafted preliminary operating procedures for the review of complaints.
- ▶ At the Board's request, forwarded complaint forms with cover letter to area agencies who have agreed to make complaint forms available and provide assistance to citizens with the completion and filing of a complaint.
- ▶ Assisted the Public Outreach Committee in the draft and design of a CPRB informational brochure and Web site.
- ▶ Received update from the School of Criminal Justice (SCJ) at the University at Albany regarding its efforts to survey community satisfaction with the complaint review process as required by the CPRB law. The SCJ reported that its has established a research protocol for the survey; that the research protocol is in the process of being reviewed by the University's Institutional Review Board; that the Albany Police Department (APD) is amenable to the research protocol and will cooperate with the SCJ in its efforts to compile information from APD databases; and that active research will commence upon approval of the protocol.
- ▶ Coordinated meeting with the Board, the CPRB mediators, Corporation Counsel, OPS, and the staff of the GLC.

- ▶ Coordinated meeting with the Board, the CPRB Investigators, OPS, the Police Commissioner, Corporation Counsel and the staff of the GLC.
- ▶ Coordinated and facilitated mediation training program for approved CPRB mediators.
- ▶ With the assistance of the Board, OPS and the Corporation Counsel, created and maintained log-in and filing system and procedure for the receipt of complaints.
- ▶ Facilitated the process for Board members to decide whether to appoint a monitor in cases.
- ▶ Researched various civilian review board issues.
- ▶ Provided various administrative functions including: drafting letter notifying complainants that the Board has received his/her complaint and notifying the complainant of the Board's finding when review has been concluded; assisting with preparation of meeting minutes; scheduling meeting dates, times and locations; facilitating media inquiries between reporters and Board members; assembling materials for meetings; and answering inquiries from the community about the CPRB and the complaint review process.

CONCLUSION

The Board had a very active third quarter drafting operating procedures for the complaint review process and for the appointment of observers; beginning its review of complaints; continuing its training on issues such as bias-based policing, the Open Meetings Law, excessive use of force and violation of civil rights; maintaining its on-going program of education by reaching out to community leaders, community organizations and the Union through the Board's Speaker's Bureau, designing an informational brochure and Web site; and holding public and committee meetings.

Respectfully submitted

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

Dated: August 13, 2001