

Community Complaint Report

Case Number: CC2022-016

Date Received: 06/21/2022

Office of Professional Standards (OPS) Detective Assigned: Det. Keith Johnson, # 2708

CPRB Investigator Assigned: James Conroy

Complaint

Complaint Submitted Via: Online Submission Form

Name of Complainant: [REDACTED]

Date and Time of Incident: 06/19/2022

Location of Incident: 69 Central Avenue, Albany, NY

Officer(s) Named in Complaint: Sgt. Jourdin

Allegation(s) of Misconduct: Use of Force (1ct)

Background:

Complainant stated via the online submission form that an unidentified officer with the Albany Police Department (APD) slammed her twelve (12) year old son to the ground. The complainant indicated that her son was holding onto his father's back and walking backwards when the officer assaulted him. The complainant further indicated that there was no reason for this action by the officer as her son did not provoke the officer in any way.

Summary of Incident: *(If summary exceeds space provided, please submit as a separate document.)*

On 6/19/2022 at 2035 hours in the vicinity of 69 Central Avenue, Albany, NY the complainant was celebrating the Juneteenth holiday with her son and friend. During the celebration, there were fireworks being ignited by unidentified individuals. The complainant stated that an application for a permit for the fireworks was attempted; however, the permit was denied by the City of Albany.

The complainant stated that members of the APD arrived and an unidentified officer(s) slammed her son to the ground. She informed that her son, who was 12 years old, was holding onto his father's back, and while walking backwards, an unidentified officer(s) slammed her son to the ground. She further stated that there was no provocation towards the officer(s) and no reason for the assault to have taken place. According to the complainant, there is video documentation via social media of the incident.

The complainant filed a complaint via the online submission form and filed a second complaint via the APD's Citizen Grievance Notification Report.

Investigation and Findings

Summary of Investigation: *(If summary exceeds space provided, please submit as a separate document.)*

On 01/27/2023 this Investigator was assigned investigation number CC2022-016 by Michele Andre, Program Manager, Albany Community Police Review Board. This Investigator reviewed the evidence that was provided with the above-referenced case number, which included two complaints submitted by the complainant, a thirty-one (31) second video and email communication from the APD indicating that Det. Keith Johnson, # 2708, is assigned to the investigation.

This Investigator reviewed the video footage and the two complaints that were submitted by the complainant. This Investigator attempted to reach out to the complainant by telephone and email; however, this was met with negative results. On 03/22/2023 this Investigator went to the residence of the complainant at 223 Livingston Avenue, Albany, NY but was unable to make contact with the complainant. This Investigator left a business card at the residence for the complainant; however, no outreach efforts were made by the complainant.

A review of both complaints that were submitted by the complainant indicated that there is a discrepancy as to whether there was one officer, or several, that assaulted her son by slamming him to the ground. In the initial report, submitted via the online submission form, the complainant indicated that there was only one officer who assaulted her son; however, in the second complaint that was submitted via the Citizen Grievance Notification Report, the complainant referenced that there “officers” that were involved in the assault against her son.

This Investigator reviewed the video footage that was provided by the complainant several times and noted that the video, which is thirty-one seconds in duration, contained both audio and a clear depiction of a portion of the Juneteenth celebration.

This Investigator noted that the video footage showed several individuals that were at the location celebrating the Juneteenth holiday. APD uniformed officers were present at the scene, which included approximately five officers. The crowd that was celebrating the holiday included approximately twelve or more individuals. The footage provided that an unidentified male was lighting a firework on the ground and an APD officer extinguished the firework with a fire extinguisher. The officer placed his hand on the unidentified male and the unidentified male moved closer towards the officer. At that time several individuals came over to this interaction, as well as other APD officers. During this time, an unidentified male fell to the ground. A review of the footage indicates that the unidentified male that fell to the ground appeared to be thrown to the ground by an unidentified officer, later identified through a review of the Use of Force report to be Sgt. Jourdin, badge # 2709. The incident was escalating very quickly and there appeared to be an attempt for the officers to step in between the officer that held the fire extinguisher and the unidentified male individual. However, as the situation evolved, the video footage shows unidentified members of the crowd walking backwards as the police officers were attempting to break up the forming crowd. The footage further revealed that Sgt. Jourdin placed both of his hands onto a male individual and appeared to have brought him to the ground during the escalation.

A review of the Use of Force report submitted by Sgt. Jourdin indicated that Sgt. Jourdin proceeded to throw the individual to the ground because the individual was attempting to grab onto the other male individual while the officers were effecting an arrest. This Investigator did not hear any commands or words to the effect that anyone was being placed under arrest at any time. The officers never displayed their handcuffs at any time.

The video depicts that the individuals were moving backwards, which would imply that the male individual that was thrown to the ground was not pushing the other male individual towards the officer; rather, it was an attempt to move him away from the officers. In addition, Sgt. Jourdin indicated in his report that he observed the male “pulling at” the other male individual. Due to this action, it was unnecessary force to have thrown the male individual to the ground at that time, since he appeared to be walking backwards and making an attempt to remove the other male individual from the scene. Since there was no indication that an arrest was attempting to be effected or that the male individual who was thrown to the ground was being unruly or violent, there appears to have been no justification for this use of force.

CPRB Investigator’s Finding(s):

Allegation: Use of Force

Finding: Sustained

Records/Case File Appendix: *(If appendix exceeds space provided, please submit as a separate document.)*

- Online Submission Form
- Albany Police Department Citizen Grief Notification Report
- Video Footage of Incident
- Use of Force Report

Supplemental Material Attached:

Yes

No

Date Reported to the CPRB: 05/09/2023

James Conroy

CPRB Investigator Name

Michele Andre

CPRB Program Manager Name