



# **Operating Procedures of the Community Police Review Board of the City of Albany, New York**

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The Albany Community Police Review Board (hereinafter “the Board”) is an independent police oversight agency. The Board reviews and investigates complaints of alleged misconduct committed by officers of the Albany Police Department (APD). The Operating Procedures of the Board outline the powers and duties of the Board, the complaint process, and protocols for reviewing and investigating complaints of alleged police misconduct pursuant to the Code of the City of Albany, NY, §§ 42-332–42-352.

## **I. Powers and Duties**

- A. The Board shall have the power to conduct independent investigations into alleged misconduct committed by officers of the Albany Police Department as it deems warranted, even in the absence of a complaint being filed with either the APD Office of Professional Standards (OPS) or the Board, and the power to issue subpoenas to compel testimony and the production of evidence.
- B. The Board and the Chief of Police shall establish a cooperative relationship to ensure the orderly and efficient flow of information.
- C. The Board shall periodically review and assess APD policies, procedures, patterns, practices and training and may recommend changes to the APD. In the event that the Chief does not provide a detailed listing of what items are and are not being implemented within 60 days, the Board may follow up through all appropriate channels, including to the Common Council, the Mayor, and in public meetings.
- D. The Board, in consultation with the Chief, shall review the disciplinary matrix annually, and consider any recommended changes. The Board shall also seek input from the public while establishing and reviewing disciplinary matrices. The Chief shall decide the final version of the disciplinary matrix to be used after public input facilitated with the Board.

## **II. Initiation of Complaints**

- A. Complaints may be received directly by the Board, or upon referral from sources such as OPS, the Mayor, the Common Council and its Members, the City Clerk, the Chief of Police, or community partners. Any complaint received and is determined to be within the Board’s jurisdiction will be transmitted to OPS, and any complaint received and accepted for investigation by OPS shall be transmitted to the Board.

The Board shall receive complaints by telephone, in person, by mail, email or web form. Complaints shall be received and considered for investigation led by OPS, independent investigation or review led by the Board, or referral to the mediation program, whether submitted under signature or anonymous. Efforts to simplify the procedure shall be made to encourage filing.

- a. Before proceeding with the complaint process, the Board shall make the complainant aware of and provide a referral to community-based organizations that provide services for people who have experienced police misconduct.
  - b. The Board shall comply with all applicable local, state, and federal laws regarding the confidentiality of all involved parties throughout the entire CPRB process, including but not limited to the complaint, investigation, and adjudication process.
- B. It shall be within the discretion of the Board whether to discuss in a public meeting, or include in the Board's findings, or otherwise make public, such information that is not otherwise subject to confidentiality standards or protected by law.
- C. When a complaint is filed, the Chief or their designee and the Board shall, pursuant to § 42-347, determine whether the mediation is appropriate.

### **III. The Investigations Committee**

- A. The Board shall create an Investigations Committee shall determine which matters or complaints the Board shall independently investigate or monitor.
- B. All members of the Investigations Committee should fully participate in the review, consideration, and determination of Board action to be taken with respect to complaints received.
- C. The Chair of the Board shall appoint the Chair of the Investigations Committee and two other members of the Board who will constitute the Investigations Committee. The Chair of the Investigations Committee shall serve for a calendar year term provided that, in the sole discretion of the Chair of the Board, the individual serving as the Chair of such Committee on December 31, may be appointed to continue as such Chair for the next calendar year.
- D. The Chair of the Investigations Committee shall serve as a permanent member of the Committee during his or her tenure as Chair.
- E. When, in the judgment of the Investigations Committee, the complaint makes a serious allegation of misconduct, including but not limited to the gravity of the misconduct alleged, the level of public interest in the complaint and/or other exigent factors, indicate a need for the immediate appointment of a monitor or investigator, the

Investigations Committee may, without Board approval, determine that the appointment of a monitor or investigator is required and make such appointment. In every such case, the Investigations Committee shall, within one week of taking such action, give written notice to all members of the Board stating the reasons for exercising their discretion on the matter, including the reasons why they did not comply with the consultative process outlined herein, in whole or in part. Any such determination by the Investigations Committee on the appointment of a monitor or investigator shall be subject to review and ratification by the full Board at its next regular monthly meeting or at a special meeting called for the purpose, whichever is earlier.

- F. With respect to the appointment of a monitor or investigator, it is the Board's intent to look at the substance of each complaint or incident. The Board will give an expansive reading to the allegations of the complaint due to the realities that a complainant will likely be unfamiliar with APD General Orders and relevant federal, state, and local laws.
- G. The appointment of a monitor or investigator in connection with any particular matter shall not be construed as an indication that the Board or the Investigations Committee has made any determination on the merits of the complaint or of the veracity, or lack thereof, of the allegation or allegations made, in whole or in part, by the complainant.
- H. The Investigations Committee shall promptly notify the Administrative Agency of every determination to appoint an investigator or monitor to any matter. The Administrative Agency shall, in turn, promptly notify each member of the Board of every such determination.
- I. The Administrative Agency shall be responsible for receiving and documenting submission of preliminary reports by OPS with respect to complaints under investigation. The Administrative Agency shall notify the Chair of the Board and the Chair of the Investigations Committee no less than ten (10) days prior to the next scheduled monthly meeting of the Board with respect to preliminary reports submitted by OPS about complaints under investigation or review. The Chair of the Investigations Committee, or Administrative Agency if authorized by the Chair of the Investigations Committee, shall appoint Board members to present the OPS preliminary report and results of the Board's investigation or review of a particular complaint to the Board at its next monthly meeting.

#### **IV. Investigation of Complaints**

- A. The Board's authority to independently investigate allegations of misconduct against any and all conduct, acts or omissions by any APD officer is outlined in the Code of the City of Albany, NY, § 42-343. If the Board decides to open an investigation as noted above, the following steps shall be incorporated into the investigation:

- a. The Board shall provide OPS with written notice of the commencement of any investigation.
  - b. The Board's civilian investigators will conduct independent investigations into complaints assigned to them.
  - c. The Board shall open independent investigations at its discretion. The Board shall prioritize incidents involving civilian fatalities or injuries during an interaction with a member of APD.
  - d. Subpoenas may be issued by the Board at any time during the review and adjudication processes. Such subpoenas may compel the attendance of witnesses, APD officers, APD employees, and/or persons and require the production of records and other materials, including records of the APD, other persons or other agencies. A copy of any subpoena served upon an APD officer or employee shall also be delivered to the Chief. Board subpoenas are enforceable pursuant to relevant provisions of Article 23 of the New York Civil Practice Law and Rules.
  - e. One police officer holding the rank of Captain or higher shall be made available by the Chief to the Board at the Board's request to serve as a consultant or advisor should questions arise from members of the Board regarding specific police practices, policies or general orders. The officer so assigned shall be neither from OPS nor the commanding officer of the officer(s) involved in the case being reviewed.
  - f. A complainant may, at any time, decline to have their complaint investigated and reviewed by the Board. Such declination must be made in writing.
  - g. Statements made by complainants, APD officers or employees, or witnesses are subject to the Board's determinations of weight and credibility. Participation or lack of participation in the hearing process may be considered by the Board as one factor in their determination of credibility.
- B. After completing the investigation, the Board's civilian investigator shall prepare a report detailing the findings of the investigation. Upon completing the investigation, the Board may make policy recommendations based on the investigation.
  - C. The Board may recommend disciplinary measures if there is a substantiated allegation(s). If the Board recommends discipline, it shall do so pursuant to the analysis outlined in the APD Disciplinary Matrix. The APD Chief of Police is responsible for imposing discipline.
  - D. The Board is committed to transparency; its findings and conclusions are typically made public to maintain accountability and build trust with the community.

#### **IV. Protocol for Monitoring Investigations**

- A. The monitor shall be notified of their appointment as a monitor by the Administrative Agency.
- B. The monitor shall become and remain familiar with the APD General Orders, which are available online at APD's website.
- C. Within twenty-four (24) hours of appointment, the monitor shall:
  - a. Obtain a copy of the complaint. If the monitor cannot meet the twenty-four (24) hour requirement, the monitor shall immediately notify the Administrative Agency.
  - b. Notify OPS that they have been appointed a monitor with respect to the relevant complaint.
- D. If an OPS detective has been assigned to the complaint, the monitor shall request to set up an initial meeting with such representative at OPS. If no OPS detective has yet been assigned, the monitor shall request that OPS contact the monitor upon assuming the investigation of the complaint. The purpose of the initial meeting is facilitate the joint participation of the OPS detective and the monitor in interviews of the complainant or complainants, all witnesses listed by any complainant on the complaint, and any other witnesses who may have directly observed the alleged police misconduct. The monitor shall be required to follow the OPS investigation of the complaint by attending the interviews of the complainant or complainants, all witnesses listed by any complainant on the complaint, and any other witnesses who may have directly observed the alleged police misconduct.
- E. The monitor must, early in the complaint process, ensure that the allegations that OPS is investigating are appropriate given the available facts at that juncture. As the investigation develops, the monitor must ensure that the allegations appropriately capture the evidence uncovered.
- F. By accepting to be a monitor, the monitor must be willing and able to be flexible in attending interview sessions and monitoring other investigative work. A monitor, absent extraordinary circumstances, must be willing and able to be present at the OPS office or such other location of investigation as determined by OPS during normal work hours of OPS and consistent with the work schedule of the subject officer(s) in order to avoid conflicts and excessive overtime compensation paid to OPS. Monitor requests for at least a one-day notice from OPS in scheduling interviews. The monitor shall contact the Administrative Agency if there is an interview scheduled that they should have attended but were not able to.

- G. This paragraph sets out essential guidelines on the scope in which a monitor may participate in the interview process. Participation by the monitor in interviews conducted by OPS is as follows:
- a. A monitor shall indicate to OPS detective that they desire to be present for all interviews to be conducted of a complainant or complainants, a witness or witnesses for a complainant or complainants, and for any other witness. If the aforementioned individuals, or any of them, agree to the presence of the monitor during the interview or any subsequent interview, then the monitor shall sit in and observe the interview. The monitor shall not speak during the interview unless authorized by OPS but may make notes regarding the interview and ask to speak to the OPS representative separately. The monitor shall further request that such detective seek the consent of each individual who is to be interviewed by OPS, other than the subject officer(s) or other police officers, for the monitor to be present at such interview. A monitor should request the OPS representative to pose to any complainant witness, subject officer, or other officer such additional questions as the monitor believes necessary to assist the Board in determining whether the OPS investigation is complete, thorough, and fair. The monitor shall make such a request to the OPS representative in private and shall not do so during the interview at which the monitor is present.
    - i. In light of suggestions that witness statements by the complainant's witnesses should be critically weighed by the Board for bias, the Board expects a monitor who is present during an interview of a complainant's witness to carefully focus on the independence, credibility, and presence of or lack of bias of the witness. The monitor shall specifically narrate in his or her report regarding his or her opinion regarding the credibility of such a witness based upon the direct observation by the monitor of such interview;
  - b. In accordance with Section II of the Albany Police Department's Procedures and Practices for Briefing and Communicating with Individuals Appointed to Observe and Monitor, a monitor is not allowed to be present during any OPS interview of a police officer, whether a subject officer or not. Upon request of the monitor, the monitor shall be entitled to receive from OPS a full transcript of each question asked during any interview by the OPS representative and the full text of the officer's response, whether a subject officer or otherwise. This is an invaluable source of information to be gained by the monitor and shall be pursued, as a matter of course, and especially in high-profile cases, alleging excessive use of force or violation of civil rights.
- H. A monitor is entitled to have access to the entire OPS file, including but not limited to, police reports, citations, criminal information complaints, use of force reports, body-worn camera and other video footage, photographs, confidential reports prepared by

OPS relevant to the investigation, recorded police radio transmissions, dispatches made in regard to the incident, any internal departmental correspondence relating thereto, transcribed statements given by police officers, transcribed statements given by a complainant and witnesses, police dispatch sheets, any recorded transmission of a traffic stop, all pictures including booking pictures taken by police of any complainant who may have suffered injuries during the act of being arrested, and all other departmental paperwork contained in the incident case file relating to the complaint.

- a. The Board expects monitors to vigilantly review the above-mentioned documents to ensure the preparation of a monitor report to the Board that is thorough and inclusive of all essential elements of information that will assist the Board in making its findings with respect to the conclusions upon the complaint submitted by OPS to the Board.
- I. The monitor shall maintain a monitoring chronology which records the steps taken during the course of the case. This chronology should document the factual steps the monitor took and should include:
    - a. The initial date of contact made by the monitor with OPS and the name of the OPS detective assigned responsibility to investigate the complaint.
    - b. A summary of all subsequent contacts and the dates thereof, the monitor had with such representative and the purpose of such contacts. The monitor should indicate whether the contact was in person or by other means of communication, the date of all interviews of any individuals relating to the complaint as conducted by OPS, a brief statement of the purpose of the contact, and what transpired as a result thereof.
    - c. With respect to interviews that the monitor is authorized to be present at, the monitor shall indicate his or her presence or absence, and if applicable, the reasons for such absence.
  - J. Within five (5) business days of receiving OPS's preliminary report of its findings, the monitor shall submit to the Administrative Agency and the Board the monitoring report via email. Reports shall be submitted no later than ten (10) days before the meeting at which the report is scheduled to be presented and reviewed.

## **V. Protocol for Contents and Format of Monitors' Reports**

The following section shall constitute the protocol for the contents and format of a monitor's report to the Board.

- A. A monitor shall state the date they were appointed as a monitor and the date the complaint was filed. The monitor shall also indicate whether the complaint was filed with the police department or with the Administrative Agency and if the monitor can

readily ascertain whether the complainant was assisted by any person in the preparation of the complaint.

- B. The monitor shall ascertain the essential elements set forth in the complaint, which they believe are critical to the resolution of the complaint by the Board and shall summarize these elements in a concise manner for the benefit of the Board.
- C. The monitor shall set forth OPS's findings with respect to the complaint, including multiple findings if such a complaint raises more than one allegation with respect to the actions of the subject officer(s). It shall be sufficient to give a summary of such findings, and the summary shall include the rationale of OPS for arriving at its conclusion.

The monitor shall include in the report a statement of facts relating to the complaint which are not in dispute by any of the parties. The report shall similarly state whether any other facts are in dispute, and if so, the nature of the facts and a description of why such facts are in dispute and how the complainant, witnesses, subject officer(s) or other officers and OPS view the proper determination of such disputed facts.

- D. The monitor shall include in their report a complete description of the investigative timeline in chronological order, including key dates when investigative or monitoring steps were taken, as described above.
- E. The monitor shall identify the name of each complainant and witness interviewed by OPS, except if the witness is an officer. The monitor shall indicate whether a witness offered information in support of the complainant or was an independent witness who directly observed the incident which is the subject of the complaint. The monitor shall state whether they were present at one or more interviews conducted with the aforementioned individuals. The monitor shall also state whether they were absent from any such interview and the reason for any such absence. The monitor shall also state whether the complainant or any witness refused consent for the monitor to be present at any interview.
  - a. A monitor may elect to give a summary of all essential information gathered through the interview process, on an individual by individual basis, so long as such summary is clearly informative for the purpose of Board review. In lieu of providing such a summary, a monitor may determine that Board action upon a complaint may require the Board to review the tapes of any such interview. The monitor shall state his or her basis for such determination.
  - b. A monitor shall be entitled to comment upon the credibility of any of the above-mentioned individuals based solely upon the monitor's actual observation of such an individual at an interview of such person attended by the monitor. The monitor shall state his or her basis for supporting or questioning the credibility of any such



individual.

- c. The monitor shall similarly give a summary of the testimony of all police officers interviewed and shall indicate whether the officer or officers were the subject of the complaint. The summary of the interviews shall be based upon a complete review by the monitor of all transcribed documents containing the full text of the officer interview. The monitor shall indicate whether they requested the representative of OPS to ask additional questions of any particular officer and shall further indicate whether the representative of OPS agreed to pose any such question in an interview. If additional questions were requested to be posed, the monitor shall summarize the text of each requested question. The monitor may indicate to the Board, based upon a review of the applicable transcript, whether any such question was in fact, posed and answered.
  - d. If, during the course of performing the duties of the monitor, the monitor has a reasonable basis to believe that a subject officer has violated any provision of the General Orders of the Albany Police Department regulating the conduct of police officers with respect to their contact or interaction with the public, the monitor shall clearly state the section of such procedures they believe such officer violated and the basis the monitor has for such belief.
- G. Based upon a review of the complete record in accordance with these protocols, the monitor shall state with clarity whether they agree with the findings of OPS with respect to the complaint in whole or in part. The monitor shall include within his or her report a written justification of his or her determination to agree with such findings. In the event that the monitor disagrees with such findings in whole or in part, they shall state the reasons for such disagreement. If the monitor believes the investigation to be incomplete as a basis for his or her disagreement with such findings, the monitor shall inform the Board of such belief and may recommend to the Board that further action or continued investigation is necessary with respect to ensuring an adequate investigation of the complaint.
- H. In the event the Board requests that OPS conduct further investigation of a complaint, pursuant to the Board's authority, the monitor shall follow the same protocol set forth above to the extent that the same protocol applies to the further investigation.

## **VI. Compensation**

- A. At the conclusion of the investigation and in conjunction with the submission of the monitor's report, monitors shall submit to the Administrative Agency an invoice for payment, indicating the number of hours spent in furtherance of their responsibilities and a general description of the activities undertaken. In the event of fractions of hours, monitors will round up to fifteen (15) minute increments. For example, if a monitor spends forty (40) minutes at a meeting, they will invoice for three quarters of an hour.

- If the monitor spends twenty-five (25) minutes, then the monitor will invoice for a half (1/2) hour.
- B. The Administrative Agency shall quarterly send a monitor's payment report to the Chair of the Board for his review.
  - C. Monitors shall be compensated for time spent in furtherance of actual monitoring responsibilities, which may include, but may not be limited to, time spent according to the procedures outlined above:
    - a. Observing OPS' investigation of the complaint;
    - b. Reviewing any documentation related to the investigation of the complaint;
    - c. Preparing the monitor's report;
    - d. Attending and reporting at the Board's public meetings where the monitor's complaints are being reviewed. The monitor's time starts upon their arrival or the scheduled start of the meeting (whichever is later) and ends upon the conclusion of voting on their case; and
    - e. Attending and participating in scheduled, required training programs coordinated by the Board.
  - D. Monitors shall be compensated for expenses in furtherance of actual monitoring responsibilities, which may include, but may not be limited to:
    - a. Postage for items mailed to the Board. Additional investigative expenses will require the Board's prior approval; and
    - b. Travel expenses, including lodging and mileage at the prevailing government rate.
  - E. Sales tax and other tax expenses, laptops, computers, printers, scanners, are phones are not be considered actual monitoring responsibilities or are not typically reimbursed and therefore, are not compensable.
  - F. Any other expenses incurred by a monitor that is not otherwise covered above shall be submitted to the Chair for review and determination as to whether or not they are compensable expenses. The monitor shall notify the Administrative Agency prior to incurring any other expenses that are not otherwise covered in this Section. The Chair shall determine whether or not these expenses will be compensable.

## **VII. Protocols for Mediation**

- A. A voluntary mediation process shall be established and coordinated by the Administrative Agency in accordance with this section. Upon receipt of a complaint, the complaint may be considered appropriate for mediation, unless the case involves an allegation of excessive force, an alleged violation of civil rights, an allegation of criminal conduct against an officer, the complaint is a result of an incident that involves

an arrest, if there was an injury to either party, or if there was property damage by an officer, pursuant to the Code of the City of Albany, NY, § 42-346(C). An eligible complaint shall be reviewed for the potential recommendation for mediation by the Board and by the Chief of Police or their designee.

- a. Five members of the Board will be contacted by the Administrative Agency, and a decision made as to the appropriateness for mediation by a majority of those five members. A decision regarding mediation shall be made within two business days by both the Board and the Chief.
  - b. If either the Board or the Chief finds a complaint inappropriate for mediation, then the matter shall be referred to OPS for investigation consistent with this article. Neither the Board nor the Chief or their designee need provide a reason for rejecting mediation.
  - c. If the parties agree to participate in mediation, the process shall follow the mediation protocols adopted by the Board, and the complaint will not be investigated by the Police Department regardless of the outcome of the mediation. If either party declines mediation, the matter shall be referred to OPS for investigation.
- B. If the case is deemed appropriate for mediation, both parties must agree prior to scheduling the mediation. OPS will contact the subject officer(s). The Administrative Agency will notify the complainant.
- C. All parties involved in the mediation process shall be informed that once mediation occurs, the complaint shall be considered “resolved.” Each party must acknowledge their understanding that the “resolution” is the fact that the mediation took place. The full Board shall issue a finding of “Mediated” for the record.
- D. OPS shall send a notice to the subject officer(s) within two days of the mediation approval, which shall include the following:
- a. Complaint number;
  - b. Name of the complainant(s);
  - c. The allegations identified in the complaint;
  - d. An explanation of the mediation program;
  - e. An advisement to the officer(s) that the Assistant Chief has concluded that the case is appropriate for mediation;
  - f. An order from the Assistant Chief that the officer(s) contact OPS within the officer(s)’ next three working days upon receipt of the notice;
  - g. An explanation that participation in the mediation program is voluntary and that, upon completion of the mediation, the complaint will be categorized as “Mediated”;
- and

- h. The involved officer(s)'s commander shall ensure that OPS provides notice to the involved officer(s) within three months after the Assistant Chief has concluded that the case is appropriate for mediation.
- E. When OPS is contacted by the officer(s), the Assistant Chief or their designee will ensure that the officer fully understands the mediation program and will ask the officer if they will participate in mediation. The officer will be advised that once the mediation begins then the complaint will not be investigated, regardless of the outcome of the mediation.
- F. The Administrative Agency shall send notice by email and/or Priority Mail, Return Receipt Requested to the complainant(s) within two days of the mediation approval, which shall include:
  - a. Complaint number
  - b. An explanation of the mediation program
  - c. An advisement of the Board's decision that the case is appropriate for mediation
  - d. An advisement that the complainant shall contact the Administrative Agency within three business days of receipt of the notice
  - e. An explanation that participation in the mediation program is voluntary and that if the complainant does not wish to mediate the matter will be referred to OPS.
  - f. An explanation that, upon completion of the mediation, the complaint will be categorized as "Mediated."
- G. When the Administrative Agency is contacted by the complainant(s), the Administrative Agency will ensure that the complainant(s) understands the mediation program and will ask the complainant(s) if he/she will participate in the mediation program. The mediator will provide the complainant(s) with a disclaimer that he/she will have to sign. The disclaimer will state that the complainant has been advised that once the mediation begins then his/her complaint will not be investigated regardless of the outcome of the mediation, and that the complaint shall be considered "resolved."
- H. If the Board and the Chief recommend a complaint for mediation, both the complainant and the officer will have the option of electing to continue with the mediation process.
- I. If either the officer or the complainant(s) refuses mediation the matter will be referred to OPS for investigation.
- J. If both parties agree to mediation the matter will be referred to a mediator. The Administrative Agency shall contact the mediator, and in cooperation with OPS and the Assistant Chief or his/her designee, shall provide all pertinent information so that the mediator can establish contact with the parties and set up the mediation session. The contact with the officer(s) shall be made by the Assistant Chief or designee.

- K. The Administrative Agency shall be responsible for ensuring the mediation is scheduled at a time reasonable for both the complainant(s) and the officer(s) and conducted in a timely fashion. Every reasonable effort shall be made to schedule mediation during an officer's normal working hours. Mediators shall conduct mediation sessions with officers and complainants at times and places agreed upon by the parties. Mediation sessions shall be closed to the public. If scheduled mediations occur outside of normal work hours, then officers shall receive overtime pay in accordance with the corresponding collective bargaining agreement. The mediation will take place at a neutral site (i.e., the mediator's office). No one is allowed in the mediation except the mediator, the officer(s) and the complainant(s), if said complainant is 18 years or older. Complainants under the age of 18 or who require a guardian or interpreter shall not be eligible for mediation.
- L. If the complainant(s) fails to appear for the scheduled session the first time, the Administrative Agency or the mediator will contact the complainant(s) to see if he/she wants to reschedule the mediation. If the complainant(s) does not want to reschedule the mediation, then his/her complaint will be closed as "no finding." If the complainant(s) fails to appear for the second scheduled session, his/her complaint will be closed as "no finding." If the officer(s) fails to appear for the first scheduled session, then rescheduling will be at the discretion of the Administrative Agency. If mediation is not scheduled or rescheduled within three months, the Administrative Agency will forward the case to OPS for investigation.
- M. Upon the completion of the mediation process, the Board shall issue a finding of "Mediated," and the allegations shall be deleted from the officer's Board history.
- N. Following the completion of mediation, each party will be requested to complete an Evaluation Form regarding the process and outcome. The Administrative Agency will forward copies of the Evaluation Form to the Board and the Assistant Chief. All documents regarding mediation shall be kept confidential.
- O. There is no procedure for appeal by either party following mediation. The case is considered closed upon the conclusion of the mediation session. Statements and records disclosed during mediation may not be disclosed or introduced in evidence during any judicial or administrative proceeding, and mediators may not be compelled by a subpoena to give testimony or produce anything related to the mediation.
- P. Mediation shall be conducted at no cost to the complainant or officer by highly trained and experienced mediators selected from a list compiled by the Administrative Agency. The Administrative Agency, the Common Council and the Mayor shall endeavor to reflect community diversity in this list of mediators. The Administrative Agency shall develop an appropriate training curriculum which each mediator shall be required to complete. Each mediator shall be a graduate of the Albany Police Department's Community Police Academy. In addition, the Administrative Agency shall provide to

the mediators, and the mediators shall undergo, continuing education on issues related to the interaction between civilians and police officers from the perspectives of both the complainant and the police officer.

- Q. If the Board decides in its discretion that a mediator should be removed from service, the Assistant Chief shall be notified in writing and be given the opportunity to be heard prior to the Board entertaining a vote for removal.

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Adopted: August 20, 2001  
Revised: Revision 1 – December 3, 2001, adding new subparagraph I and renaming old subparagraph I as subparagraph J.

Adopted: Revision 1 – January 14, 2002  
Revised: Revision 2 – April 11, 2011 Operating Procedures Meeting:  
Additions - Section II (C) “verbatim”; Section II (D) “to the Officer of the Day”, “GLC Staff”, “which is inclusive of”, “by telephone or”, “at a Board”, “call”, “schedule the telephone calls or bring complaint to a Board meeting to” *and* Section III, Section IV, Section V, Section VI.  
Deletions – Section II (D) “Officer of the Day”, “including”, “at the offices of the GLC”, “or by conference telephone call”, “conference”, “assist the Officer of the Day in scheduling a meeting or telephone conference call and in otherwise”, “ing.”

Adopted: Revision 2 – June 9, 2011  
Revised: Revision 3 – February 17, 2023, Operating Procedures revised by including Monitor and mediation protocols and the complaint flow chart to the operating procedures. Section VII (A),(C),(G) and (H) was amended.

Adopted: Revision 3 – March 9, 2023  
Revised: Revision 4 – September 27, 2023, Operating Procedures revised to reflect Local Law J of 2020 authority.

Adopted: Revision 4 – November 10, 2023  
Revised: Revision 5 – January 19, 2024, Operating Procedures revised to reflect amendments to Local Law J of 2020.