

City of Albany
Citizens' Police Review Board
Albany Public Library
161 Washington Avenue – Large Auditorium
January 16, 2007
6:00 p.m. – 8:00 p.m.

Present: Jason Allen, Mauri Davis Lewis, Daniel Fitzgerald, Ronald Flagg, James Malatras, John Paneto, Andrew Phelan, Anthony Potenza and Hon. Fowler Riddick.

I. Call to Order and Roll Call

Chairman Jason Allen called the meeting to order at 6:04 p.m. He noted that a quorum of the Board was present.

II. Approval of the Agenda

The agenda was reviewed. Ronald Flagg motioned to approve the agenda. Fowler Riddick seconded the motion. The motion carried unanimously.

III. Approval of the December 14, 2006 Meeting Minutes

The December 14, 2006 meeting minutes were reviewed. Ronald Flagg motioned to approve the meeting minutes. Fowler Riddick seconded the motion. The motion carried unanimously.

Justina Cintrón Perino was recognized. She sought clarification of John Paneto's vote on a complaint presented by James Malatras at the December meeting. A brief discussion ensued. Mr. Paneto clarified that he voted against James Malatras' recommendation. Ms. Perino noted that the December 14, 2006 meeting minutes will be revised to reflect Mr. Paneto's vote.

IV. Old Business

CPRB No. 24-06 (Presented by Jason Allen)

Chairman Allen summarized the complaint. Former Board Member, Judith Mazza, recommended to the Board that the complaint be sent back to the Chief for subsequent review. A letter from the Chief reversed the OPS findings and closed the complaint as sustained. Chairman Allen read verbatim from the letter. Both the complainant and the person the complaint was filed against were City employees; a police officer and a police clerk. Based on the Chief's recommendations, Chairman Allen motioned to find the complaint sustained as the Chief recommended. James Malatras seconded the motion. The motion carried unanimously.

V. **New Business**

A. *New Complaints*

1. New Complaints Received Since December 14, 2006 Meeting

Chairman Allen reported that there were no new complaints received by the Board since its December 14, 2006 meeting.

2. New Complaint(s) For Review

It was reported that there were five (5) new complaints on the agenda for review by the Board.

CPRB No. 22-06/OPS No. C06-285 (Presented by Fowler Riddick)

Hon. Fowler Riddick read the complaint verbatim. The complainant alleged that she was stopped and as the officer approached her vehicle he was laughing and harassing her. She also alleged that the officer lied about her failing to signal. The complainant further alleged that the officer followed her when she took off and then she pulled over to see what the problem was. He rudely stated, "Are you parking here?"

Where the acts which provided the basis for the complaint occurred but the review showed that such acts were proper, the officer was acting within the guidelines and under the direction of his assignment through Operation Impact, which states to proactively patrol within the impact zone by a foot and/or mobilized unit. Mr. Riddick believed that this should be exonerated.

Where the review fails to disclose sufficient facts to prove or disprove the allegations, the officer issued the complainant a summons that alleged that she failed to use her right signal. The complainant stated that she did use her signal at every turn. It was recommended that the complaint be handled according to the traffic court proceedings where proper determination will be made. Mr. Riddick agreed with the OPS' finding of not sustained.

The witness in the car was the complainant's mother. Mr. Riddick recommended that the Board follow the OPS' findings.

Chairman Allen added that the complaint had no monitor, the OPS exonerated the officer based on the officer's statement and the witness's statement that there was just cause to pull them over and question them.

Ms. Perino added that there are two allegations in this complaint. Mr. Riddick summarized the allegations as unprofessional conduct. The complainant alleged that during the traffic stop the officer was laughing as he approached the car, did not

answer her when asked what she was being pulled over for, and issued a ticket stating that she failed to signal – exonerated. Referring to the unprofessional conduct allegation of rudeness and harassment, the complainant alleged that after she pulled away from the stop the officer followed her. When she pulled over and asked what the problem was, the officer said very rudely, “Are you parking there?” This second allegation was not sustained.

The complainant was not present. Mr. Riddick motioned to accept the OPS’ findings. James Malatras seconded the motion. The motion carried unanimously.

CPRB No. 30-06/OPS No. C06-491 (Presented by Daniel Fitzgerald)

Daniel Fitzgerald summarized the complaint. The complainant alleged that after being involved in an accident the police showed up, searched the inside of his vehicle, twisted his arm behind his back and arrested him. The complainant also alleged that during the search of his vehicle the officers found a bag of marijuana that could have been there for years. The complainant further alleged that no accident report was completed.

There are allegations of call handling in regards to the search of the vehicle, the use of force, and call handling as far as the filing of the accident report. In regards to the call handling, the search of the vehicle was conducted after the arrest and prior to the towing of the vehicle as required by SOP 47.8. The OPS finding is unfounded.

In regard to the use of force allegation, the OPS reports is unfounded where the review shows that the act or acts did not occur or were misconstrued. This is in regard to the manner in which the handcuffs were placed on the complainant.

In regard to the call handling allegation, as far as the accident report not being filed on the night of the incident, the allegation was not sustained. There was a monitor assigned to this complaint.

The monitor, George Kleinmeier, was recognized. In regard to the accident report, it was not sustained because the officer did fill out another accident report.

Mr. Fitzgerald added that out of all the things he reviewed the only thing that stood out to him was the fact that there was no accident report, which was the crux of the complaint, because the complainant wasn’t able to file his insurance. Since then an accident report has been filed. Both the target officer and the other officer reported having filed it. When Mr. Fitzgerald talked with the OPS it was basically thought to be lost paperwork. He agreed with the OPS’ findings but would make a recommendation, especially in lieu of all technological advances in the police department, that the accident report paperwork be included in that, so that it is less likely to be lost.

Chairman Allen asked how long the paperwork was lost. Mr. Fitzgerald replied that as soon as they were notified that there was no accident report, one was put together. The complaint was in July and the accident report was filed in September, two months later but after the complaint was received.

Det. Romano was going to look into whether or not the other person involved in the accident had attempted to get an accident report. The OPS said that they tried to contact the other person involved in the accident but they never established that contact. The complainant never came forward to make a complaint that he wasn't able to get an accident report and that led the OPS to believe that he was able to get a copy of the accident report because he would have been in the same predicament.

Chairman Allen asked if the car was being towed to a garage or a city impound. Det. Romano replied that unless the vehicle was taken as evidence then it would have been distributed to one of the towing firms. Chairman Allen commented that one of the things cited in the case was a standard operating procedure that if a car is going to be towed then it can be searched. Det. Romano replied that if the vehicle is being towed in conjunction with the arrest, then the vehicle will be searched. Valuables have to be secured, more evidence can be collected, and anything else along those lines.

Chairman Allen summarized that the complainant was arrested first and then searched. He then asked what the complainant was arrested for. Det. Romano replied that he was being pursued for not wearing a seat belt. Chairman Allen said that the search of the vehicle occurred because he was being arrested and that's when they found the marijuana. He wasn't being arrested for marijuana he was being arrested for not wearing a seat belt. Det. Romano added that he was being arrested for vehicle and traffic charges, and at the point that the officer went to initiate the traffic stop the complainant took off, resulting in the accident.

Mr. Fitzgerald said that the police turned their lights on to pull the complainant over, and he took off and hit another car. Mr. Kleinmeier added that an accident report wasn't filed for two months. Mr. Fitzgerald replied that one was misplaced in the paperwork and witnesses say that it was filed. As soon as they realized that the paperwork was missing they made a new report.

There is no indication that the report was not filed because the person who was the victim never reported that he couldn't get a copy of the report.

Mr. Fitzgerald motioned to accept the OPS findings. Fowler Riddick seconded the motion. The motion carried unanimously.

CPRB No. 31-06/OPS No. C06-509 (Presented by Andrew Phelan)

Andrew Phelan summarized the complaint. This incident happened on 1-31-06 but was not reported until 7-30-06. The complainant was living on Bleecker's Place at

the time and was out for a walk around 10:30 pm at the corner of Madison and Eagle Streets. The complainant said he was approached by two plainclothes detectives and at that time the complainant felt threatened and confused, and was not sure why he was being stopped and questioned. By the complainant's own admission, the detectives did show him their badges, but he claimed that in the dim lighting they looked like badges and he felt threatened and not sure that they were the police. While attempting to place the complainant under arrest, the complainant claimed that they kneeled on his head while trying to put handcuffs on him. The complainant also had a swollen ear and a black eye. He alleged that the police officer snickered and made jokes about his stuffed fox that was strapped to his backpack and missing winter hat. The complainant further alleged that the officers were unprofessional and obscenities were said. According to the complainant, the officer did not have probable cause to arrest him.

The OPS report stated that on 1-31-06 there was an assault at 101 South Pearl Street. It came out over the radio, the complainant's description was so close to that of the suspect and based on that reason the detectives initiated an investigative stop. The detectives identified themselves and advised the complainant that they wished to speak with him about the assault. The complainant refused to identify himself and physically pushed the detectives while they were attempting to arrest him for obstruction of governmental administration and resisting arrest. According to the New York Court of Appeals, the officers are permitted to approach and request information which must be supported by objective and credible reasons. The Court has further stated that they can ask information such as general non-threatening questions such as identity, address, and destination.

As far as the use of force, the complainant alleges a black eye and swollen ear. Mr. Phelan saw the booking report, pictures and admission greeting sheet and saw no indication of the use of force. By the complainant's own admission he signed paperwork indicating that there were no signs or symptoms of injury that he may have sustained.

As far as the missing winter hat, a proper report was completed and no hat was part of the inventory. A monitor was assigned to this case.

The monitor, Richard Lenihan, was recognized. Additionally, with the information that had been provided by the complainant and the police, Mr. Kleinmeier agreed with the OPS findings. He noted the discrepancy of the description of the officers. There were no photos showing injury, or evidence of abuse. Words may have been exchanged and he readily cooperated.

John Paneto asked if this was in the file. The complainant alleged verbal profanity and this seems provoked. Did the complainant provoke this? Is there anything in the file that suggested why they would use profanity? Mr. Lenihan responded that according to the detectives they were pushed, the complainant says that he was

frightened because he didn't know who they were and the lighting was dim. Mr. Paneto asked if the officers were pushed and if the complainant was being verbally combative. The complainant said that he was taunted by the police for what he was carrying but he also said that they had no reason to stop him. There was no mention by the officers of a backpack or stuffed animal identifying the suspect. Mr. Paneto asked if the officers, in their report, speak to the fact of why they stopped this person and how many attempts were tried to find an eyewitness in the area. OPS Commander Burris Beattie replied that the incident occurred near a parking garage, Cathedral and Empire State Plaza and there were no cameras at that intersection.

Mr. Paneto said that it was not clear from the report whether this was a marked car or not. Mr. Phelan replied that it was unmarked. Mr. Paneto said that he would be shell shocked if an unmarked car, no lights or sounds, pulled up and they get out of the car, considering that it's not clear from the report, that the police identified themselves as police officers. Mr. Phelan added that what he failed to mention was that within 25-30 seconds after the detectives called for help a marked police car came. They had 2-3 cars there with uniformed officers. Mr. Paneto said he would probably run too if an unmarked car stopped and people got out.

Mr. Phelan motioned to uphold the OPS' findings of unfounded. Anthony Potenza seconded the motion. The motion carried 7-2 with James Malatras and John Paneto voting against the motion.

CPRB No. 32-06/OPS No. C06-594 (Presented by Anthony Potenza)

Anthony Potenza summarized the complaint. The complainant alleged a violation of standards of conduct by an officer. At a court appearance for a traffic violation, the complainant stated that there was no opportunity to plead to a lesser offense due to the fact that she filed a complaint against the officer who stopped her for a traffic violation on July 5, 2006. The complainant stated that the officer would not agree to a plea of guilty to a lesser offense because the complainant filed a complaint against the officer who ticketed the complainant at the time of the traffic violation. In response to the investigation initiated by the OPS, the officer stated that he did not agree to a lesser plea due to the fact that the complainant almost caused an accident and that a complaint was filed by the complainant. Furthermore, the officer stated that if the complainant thought there was no violation and that she was innocent the complainant had the right and opportunity to go to trial. A monitor was assigned to this investigation. The monitor concluded and reinforced the fact that plea offers are not mandatory. The complainant had the right to plead innocent and go to trial, and that a plea bargain or an offer rests with the prosecutor and not the officer. The monitor agreed with the findings of the OPS that the investigation be closed as exonerated.

This was a related case that initially was thought to be part of another case but it was a separate complaint by the same complainant against the officer. It had to do with the standards of conduct charge by the complainant regarding the court appearance.

The monitor, Joel Pierre-Louis, had nothing further to add. As he indicated in section six of his report, as a former prosecutor he can attest to the fact that plea offers may be withdrawn at any time and ultimately the decision rests with the judge. But, the prosecutor has the discretion whether or not to provide a plea offer or to rescind the plea offer. Often the prosecutor will ascertain the opinion of the officer concerning whether or not that officer agrees or disagrees with the respective plea offer. In this case, Mr. Pierre-Louis didn't see anything improper with respect to the officer. The officer had the right to say that he didn't agree with the plea offer and that is what the officer did in this case.

Mr. Fitzgerald asked if the monitor got a sense of how often, in a case like this, is it pled down. Mr. Pierre-Louis replied that, in his experience, the plea that she said was being offered was a plea that is not generally offered that often. To give someone three points, generally you plea this to a level 10-A, which is failure to obey traffic control device. Mr. Pierre-Louis questioned whether what the complainant said was accurate. Plea offers are made contingent on an offer subject to the officer's approval. The officer said that he/she did not agree or wish to plead. He explained that a prosecutor might gently encourage the officer. Mr. Fitzgerald was concerned because it may influence a person's ability to report complaints to the Board.

The other point Mr. Pierre-Louis made is that it seemed that the complainant, in her statement, seems to believe that she is entitled to the plea offer. She is not entitled; it is a matter of discretion.

Corporate counsel Patrick Jordan was recognized. Mr. Jordan stated that accidents are generally not plea bargained. Mr. Pierre-Louis replied that with respect to the issue of the fine, neither the prosecutor nor the officer has anything to do with the fine. This is at the discretion of the judge. So, when the complainant argued that she was given a high fine and was charged a surcharge, which is mandatory, this was at the discretion of the judge. Mr. Jordan's concern was if she was being treated any differently from anyone else who had the same thing happen, who had not filed a complaint.

Chairman Allen summarized that the officer said that he didn't offer a plea because she filed a civilian complaint. Mr. Pierre-Louis stated that if the complainant truly believed that she was truly innocent of the charges she had every opportunity to raise these issues with the court at that time. Who is to say that she would not have prevailed had she gone to trial? She chose not to, believing that she was somehow entitled to the plea bargain.

Mr. Potenza motioned to accept the OPS findings of exonerated with regards to this matter. James Malatras seconded this motion. The motion carried unanimously.

CPRB No. 36-06/OPS No. C06-569 (Presented by Mauri Davis Lewis)

Mauri Davis Lewis summarized the complaint. The complainant alleged that he went to City Hall to pay his parking tickets and an officer threw the complainant against a wall, falsely arrested him, and charged him with obstructing and trespassing. The complainant further alleged that an officer asked him to leave or that he would be arrested. The complainant alleged that he proceeded to the door and at the door, facing outward, he said “F**king a**hole.” Subsequently he was arrested. The complainant alleged that he did nothing to obstruct governmental administration nor was he trespassing because he was in the right place to pay his tickets.

The OPS investigated this complainant and interviewed numerous witnesses. The preliminary findings were: use of force – unfounded, where the review shows the act or acts complained of did not occur or were misconstrued. The officer stated that the complainant was not thrown against the wall. A New York State Trooper who was coming into City Hall stated that the complainant was against the wall when he was handcuffed but he was not thrown against it, adding that the complainant was not thrown anywhere. Another officer stated that he observed the complainant being placed under arrest and he did not see the complainant get thrown against the wall. Another witness indicated that the complainant was faced against the wall and does not reference that the complainant was ever thrown against it.

As to the arrest and authority procedures allegation, the OPS finds exonerated, where the acts which provide the basis for the complaint occurred but where review shows that such acts were proper. The officer stated that the complainant did enter the Magna Meter metal detector and stated loudly, “F**k the City of Albany and f**k the police.” The officer further stated that he told the complainant to quiet down and if he did not he was going to be asked to leave. The officer stated that the complainant refused to calm down and stop swearing, and some City Hall personnel came to look out and see what was going on. The officer stated that due to the complainant’s demeanor that he had to leave City Hall. The officer stated that he told the complainant three times that he had to leave and that the complainant continued to swear. The complainant started to leave and at this time he stopped in front of the Magna Meter, obstructing the flow of other people from gaining access to City Hall. Another officer stated that the complainant was upset about parking tickets he was issued and that he commented that he was being screwed by the City. He stated that the officer directed the complainant to leave a couple of times, and the officer and the complainant were talking back and forth. The officer/witness stated that the complainant apologized and the officer escorted the complainant to the door and that he stayed behind due to people coming into the building. City Hall employees/witness to the incident indicated that they heard the complainant shouting, swearing and causing a problem. A New York State Trooper stated that he observed

the complainant yelling, screaming and swearing, as well as the officer directing the complainant several times to leave the building, which was the reason why the trooper stopped to assist the officer. He indicated that he thought it was pretty obvious that the complainant was giving the officer a hard time. The complainant's arrest was based on his actions of shouting and swearing to the point that he caused a scene inside City Hall, coupled with the fact that he was repeatedly directed to leave due to his demeanor and refusal to follow orders. The officers assigned to City Hall security detail have the responsibility to maintain order in the building. If any person acts in a manner to interrupt an order or security of City Hall, the officer's have the authority to terminate the destruction by having the person vacate the premises or placing said persons under arrest if a violation of the law has been committed. The complainant's refusal to move from in front of the Magna Meter preventing other patrons from entering obstructed governmental administration that would have been performed by the officers which are there to ensure that all patrons who pass through the Magna Meter do not enter the building with weapons or any illegal contraband. Further, NYS Penal Law obstructing governmental administration states that "a person is guilty of obstructing governmental administration when they intentionally obstruct or impair or prevent the administration of law or other governmental function or attempt to prevent a public servant from performing an official function by making an intimidation, physical force or interference." The complainant, by his own admission, stated that he called the officer a "f**king a**hole" which is indicative of his manner at the time of the incident. The NYS Penal Law criminal trespass states "the person is guilty of criminal trespass in the third degree when he knowingly enters or remains unlawfully in a building or upon real property where there is a fence or other barrier designed to exclude intruders." The trooper stated that the complainant was not leaving and it was as if he wanted to keep arguing.

Ms. Lewis recommended that the Board support the unfounded allegation of the use of excessive force by the complainant. There were eight witnesses to the event at different stages and eight witnesses were thoroughly interviewed by the OPS. The witnesses attested to hearing the excessive use of loud cursing by the complainant and observing the subsequent arrest in which the complainant was placed against the wall as he was handcuffed. There were no statements to support the allegation of the complainant being thrown against the wall. Among the eight witnesses interviewed there was a New York State Trooper and an Albany City Police Officer, both whom witnessed the arrest process.

As to the allegation of arrest authority, the complainant believed that the officer falsely arrested him and charged him with obstruction of governmental administration and criminal trespass. The complainant also believed that he did nothing to obstruct governmental administration nor was he trespassing because he was in the right place to pay his parking ticket. It is recommended that this allegation be closed as exonerated. The complainant alleged that he was not trespassing because he came to pay his parking tickets, but this is not the issue. The complainant's behavior where he repeatedly used the f-word and his demeanor were contributing factors leading to

his arrest. The complainant was asked by the officer to calm down. When the complainant refused to lower his voice and stop swearing loudly the officer asked him to leave the premises. The complainant refused to do so and proceeded to stand in the path of the Magna Meter. He was asked again to move and he refused, this was witnessed by two of the eight interviewed witnesses. He refused to comply with the officer's directive and was arrested.

Ms. Lewis motioned that the Board find the first allegation unfounded and the second allegation exonerated. The monitor was present and had nothing to add. James Malatras seconded this motion. The motion carried unanimously.

B. Appointment of New Members to the Committee on Complaint Review for January 2007

Ms. Perino noted that a document, entitled, 2007 CPRB Complaint Review Committee Appointments, was forwarded to the Board in their meeting packets. She noted that this form is generally given to the Chairperson of the Complaint Review Committee and a copy is kept by Government Law Center staff to assist in identifying those members serving on the Complaint Review Committee in a given month. All members received a copy of the form so that they could track their appointments. The January committee appointments were provided on the form.

The following Board members were appointed to the Committee on Complaint Review for February 2007: Ronald Flagg, James Malatras, John Paneto, Andrew Phelan, and Anthony Potenza. Chairman Allen noted that the Board is expecting a response from Police Chief James Tuffey on CPRB No. 32-05/OPS No. C05-574, returned for further investigation. Chairman Allen agreed to present this complaint in February.

C. Elections of Board Officers

Chairman Allen presented the slate of Board Officers for 2007: Secretary - Ronald Flagg; Vice Chair - Hon. Fowler Riddick; and Chair - Jason Allen. Anthony Potenza moved that the Secretary cast a vote for all unopposed offices. All members in attendance seconded this motion. The motion carried unanimously.

D. Committee Task Force Reports

By-Laws Committee

Chairman Jason Allen noted that the committee had nothing new to report except that the focus of attention has been the mediation and task force on monitors. The previous Board did pass that standing document and he would like to get together with Patrick Jordan to discuss how this should go forward before the next meeting.

Community Outreach

Committee Chairperson James Malatras noted that the committee had nothing new to report. Mauri Davis Lewis, Hon. Fowler Riddick, and John Paneto agreed to meet after the meeting.

Mediation

Committee Chairperson Jason Allen gave the report. Five of the Board members met several weeks ago and went over, line by line, the mediation/monitors protocols. They also incorporated some of the feedback from the monitors. The Board hoped to move on this at this meeting to keep the momentum going but Chief Bruno has been unavailable. They would like to get his comments and the APD's comments on these documents and what the next step would be. Chairman Allen asked if Chief Bruno was back and if he has given any comments. Commander Beattie replied that they will be speaking about this in the next couple of days. Chairman Allen added that these two documents are very important. With mediation, there is a certain population of complaints where it is a he said/she said situation and the Board sees this as an opportunity for the complainant to find some sort of relief by at least talking it over with the officer and not getting a not sustained finding. The monitor protocols are necessary because the monitor reports are not consistent and the Board would like to use this as an opportunity to have a format for the monitors and what they deliver.

Policy Review/Recommendations

Committee Chairman Dan Fitzgerald noted that the committee had nothing new to report. Chairman Allen added that when he read the meeting minutes, several notes from the last meeting should be taken up with the policy review committee.

Public Official Liaison

Committee Chairman Ronald Flagg noted that the committee had nothing new to report.

Chairman Allen stated that he received a phone call from Justina Cintron Perino that she is going to be leaving the GLC for a clerkship opportunity. Chairman Allen stated that Ms. Perino has been here since its inception and the Board depends on her a lot. She will be sorely missed and this would be her last meeting. The Board congratulated her.

E. Report of the Government Law Center (GLC)

Government Law Center Senior Staff Attorney Justina Cintrón Perino gave the report.

Complaint Inventory

It was reported that as of the date of the meeting, there were 23 active complaints before the Board for review. Of those 23 active cases, 7 have been reviewed and are pending further action – 2 were referred to mediation (1 of which has a pending civil suit), 1 was referred for further investigation, 2 were tabled at the request of complainant and/or Board, and 2 were sent to the Chief and/or Mayor for review. The Government Law Center agreed to prepare a status report of these cases for the Board's review at its February meeting.

Two hundred fifteen (215) complaints have been closed and 10 complaints are suspended from review. The total number of complaints filed with the Board to date is 248.

Training

It was reported that the Government Law Center has been in communication with Assistant Chief Anthony Bruno regarding the Civilian Police Academy for the six newest members of the Board, which must be completed within six months of their appointment to the Board. Two communications have been sent to the Assistant Chief since the Board's December meeting. The Center would continue to coordinate this training and forward information to the Board.

Prior to the December meeting, new members of the Board were forwarded, via email, the Albany Police Department's Ride-Along Request Form. Two members indicated that they have completed their ride-alongs. Those members who have not completed their ride-alongs were encouraged to arrange for them as soon as possible, and to communicate with the Center upon completion.

It was reported that a training session was held on January 5, 2007 to provide the Board with additional information on the history and development of the proposed Mediation Program Protocols and Monitors Protocols. A revised Protocol was developed following the training and forwarded to the Board for comments. Additional comments were received and incorporated and a new version was emailed to the Board, Commander Beattie, Assistant Chief Bruno, and Assistant Corporation Counsel Patrick Jordan. Minutes are being prepared and will be forwarded to the Board to provide context to the revisions received.

It was reported that the Center received a request from a SUNY Masters Student who is teaching an Introduction to Policing course to have a Board member deliver a presentation in her course. The course meets Mondays, Wednesday, and Fridays from 11:30 a.m. – 12:25 p.m. and the instructor is seeking to have the presentation given in February, March, or April. Jason Allen and John Paneto agreed to participate.

Outreach

It was reported that the Outreach committee would like to facilitate a meeting of its members to discuss the committee's agenda for the coming year. It was reported that the Board's Website had been moved to the Albany Law website at www.albanylaw.edu under the Government Law Center pages. The Center is in the process of purchasing a domain name, www.albanycprb.org, for the Board and designing a new independent site. The Center will be looking to the Outreach Committee for guidance on this project. It was noted that the former Board began the process of updating and revising the Complaint Form as well as the Board's brochures. Input from the Outreach committee will be necessary to facilitate these projects.

Other

It was reported that the Center had forwarded the following items to each member of the Board as part of their meeting materials: 2007 meeting schedule, 2007 Complaint Review Committee Appointments, 2007 Monitor Appointment Contact Schedule, revised 12/12/06 minutes, and a revised version of the Monitor Protocols as of 1/12/07.

FOIL (Freedom of Information Law)

It was reported that the Center would following-up with Patrick Jordan regarding an outstanding FOIL request submitted to his office. It was also reported that the Center would help to facilitate a FOIL request for a complainant whose complaint heard at the December meeting.

Reports

It was reported that the Center is in the processing of curing the backlog in the Board's quarterly and annual reports.

F. Report from the Chair

Chairman Allen reported that he had nothing new to report.

G. Report from the Office of Professional Standards

Commander Beattie was recognized. He reported that he hoped to have the year end report for the Board tonight. Due to the complaint regarding the accident presented by Dan Fitzgerald, the APD would be moving slowly to electronic accident reporting. They have the equipment and software in place. The APD is also looking at how to train 250+ officers. The plan is that once it gets supervisor's approval it gets stored right then in the server and can be accessed anytime after that. Currently the APD

uses manual forms. Since the closing of the stations, it is going more smoothly than anticipated.

Patrick Jordan added that CPRB No. 43-02/OPS No. C-02-356 and CPRB No. 2-05/OPS No. C-05-35 can be placed on the Board's February agenda since the litigation is completed and there is no further action to be taken from the OPS.

V. Public Comment

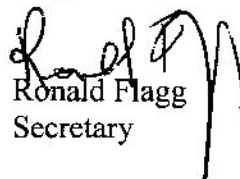
The floor was opened for public comment.

No comment was offered. Chairman Allen repeated a quote from Colin Powell, "When your soldiers stop bringing complaints to you, you have failed as a leader." It's not that they don't have complaints. Chairman Allen invited the community outreach committee to work on reaching out to the community. The Board is a resource and asset to try to make the world a better place. His only guidance to the committee, whether it is community outreach, handing off concerns to the policy review/recommendations subcommittee or getting input from the public, the Board should be a functioning resource for the community.

VII. Adjournment

Chairman Jason Allen motioned to adjourn the meeting. Hon. Fowler Riddick seconded the motion. The meeting was adjourned at 7:21 p.m.

Respectfully submitted,


Ronald Flagg
Secretary