City of Albany Citizens' Police Review Board Public Meeting Albany Law School

80 New Scotland Avenue – Dean Alexander Moot Courtroom November 13, 2008 6:00 p.m. – 8:00 p.m.

Present:

Jason Allen, Ronald Flagg, John Paneto, Andrew Phelan, Jr., and Hon. Fowler

Riddick.

Absent:

Daniel Fitzgerald, Anthony Potenza, and Reverend Edward Smart.

I. Call to Order and Roll Call

Chairman Jason Allen called the meeting to order at 6:00 p.m.

II. Approval of the Agenda

The agenda was reviewed. Chairman Allen noted that CPRB 21-08 would not be reviewed at this meeting. Ronald Flagg moved to approve the agenda. Fowler Riddick seconded the motion. The motion carried unanimously.

III. Approval of the September 18, 2008 Meeting Minutes

The September 18, 2008 meeting minutes were reviewed. Ronald Flagg moved to approve the meeting minutes. Fowler Riddick seconded the motion. The motion carried unanimously.

IV. New Business

A. New Complaints

1. New Complaints Received Since October 16, 2008 Meeting

Chairman Jason Allen reported that seven (7) new complaints had been received by the Board since its October 16, 2008 meeting. Andrew Phelan read a summary of each new complaint.

CPRB No. 70-08

The complainant alleges that in October, her daughter was wrongfully arrested for an incident that allegedly occurred two weeks prior. The complainant further alleges that a sergeant would not allow her daughter to use the bathroom even though the officer had let another prisoner do so. The complainant further alleges that the sergeant refused even after the arresting officer asked him to let her use the bathroom. The complainant further alleges that her daughter was just defending herself in an incident that led to her arrest.

The complainant further alleges that she previously asked an officer to arrest six girls who she knew had attacked her niece and that the officer did nothing about it. The complainant further alleges that the officer was racist.

It was noted that a monitor was appointed to investigate this complaint.

CPRB No. 71-08

The complainant alleges that he was harassed by an officer while he was filing a complaint. The complainant claims that the officer questioned him about a recent shooting on South Lake Avenue and that he told the officer he did not know anything about it. The complainant alleges that the officer then told the complainant that he would be arrested because his license was suspended. The complainant further alleges that the officer then told the complainant that he had better have some information the next time they saw each other.

It was noted that a monitor was not appointed to investigate this complaint.

CPRB No. 72-08

The complainant alleges that on October 24, 2008, two officers improperly stopped him and issued him a traffic ticket for no reason. The complainant claims that he was driving down a deserted street late at night looking for a parking spot and made a right turn onto Ontario Street when he was pulled over. The complainant further alleges that the officer asked the complainant if he was drinking; had the complainant step out of his car; and made the complainant complete two sobriety tests, which the complainant passed. The complainant further alleges that the officers then issued him a ticket for making an insufficient turn signal even though the complainant signaled properly. The complainant claims that an officer questioned the passenger in the complainant's car and asked for the passenger's ID and phone number for no reason. The complainant further claims that officers pulled him over to see if he was drinking and then issued a ticket simply to legitimize the stop.

It was noted that a monitor was not appointed to investigate this complaint.

CPRB No. 73-08

The complainant alleges that an officer refused to call an EMT even after seeing the complainant's head injury. The complainant claims that he was in the passenger seat of a car being driven by his friend. The complainant and his friend were picking up some friends outside a bar when another intoxicated boy jumped into the back seat of the complainant's car. The complainant further claims that the intoxicated boy struck the complainant on his head with a wooden brush and caused him to bleed. The complainant alleges that he approached an officer standing nearby and asked him to call an EMT. The complainant further alleges that the officer told him it was obvious that the complainant and his friends had been drinking and that they all should just leave the premises.

It was noted that a monitor was not appointed to investigate this complaint.

CPRB No. 74-08

The complainant alleges that on October 23, 2008, as the complainant was walking out of a store, two officers approached the complainant and asked the complainant to work for them. The complainant further alleges that when he refused, the officers told the complainant that they could arrest the complainant on charges of drug sales. The complainant claims that the next day two officers told him that he could be held responsible for anything illegal going on at a residence that the complainant claims he no longer resides at. The complainant further claims that he showed the officers proof that he had not lived at that residence for several months. According to the complainant, the officers said they would get him one way or another. The complainant further alleges that he has been harmed regularly by narcotics and plain-clothes officers.

It was noted that a monitor was not appointed to investigate this complaint.

CPRB No. 75-08

The complainant alleges that on November 5, 2008, the complainant picked up a knife which was dropped during a fight and proceeded to walk toward a police vehicle. According to the complainant, another person told the officer that the complainant had a knife. The complainant claims that he was repeatedly slammed head first against a minivan. The complainant further claims that his ID was taken away from him and never returned. The complainant alleges that the officer used excessive force and threatened the complainant that if the officers saw him again there would be consequences.

It was noted that a monitor was appointed to investigate this complaint.

CPRB No. 76-08

The complainant alleges that four officers with guns came to her house looking for her son. According to the complainant, the officers did not show her a search warrant after the complainant and her son requested a copy of it. The complainant alleges that the officers produced the warrant for disorderly conduct while in court.

It was noted that a monitor was not appointed to investigate this complaint.

2. New Complaints for Review

CPRB No. 52-08/OPS No. C08-469 (Presented by Andrew Phelan)

Andrew Phelan summarized the complaint. Mr. Phelan reported that the complainant filed a complaint with the Albany Police Department regarding an incident that occurred on June 24, 2008 outside of a hotel on 125th Street and Park Avenue in New York City.

Mr. Phelan further reported that the complainant also wrote to the New York City Police Department. Mr. Phelan noted that based on the Office of Professional Standards (OPS) investigation, the Albany police had nothing to do with this incident at all. The incident occurred in New York City where APD had no involvement or any jurisdiction. Mr. Phelan added that the OPS forwarded the complaint to the New York City Police Department.

Mr. Phelan moved to concur with OPS' findings on the allegation of call handling as *unfounded*. Ronald Flagg seconded the motion. The motion carried unanimously.

CPRB No. 29-05/OPS No. C05-551; CPRB No. 31-05/OPS No. C05-550; and CPRB No. 33-05/OPS No. C08-469 (Presented by Chairman Jason Allen)

Chairman Jason Allen noted that these three (3) complaints are grouped together since they all stem from the same incident. Chairman Allen reported that the incident occurred in 2005, but the case was suspended due to notice of claim. He added that there were trials and several people were arrested on a range of charges such as adjudicated; adjournment in contemplation of dismissal; and a guilty plea for possession of a controlled substance.

Chairman Allen summarized the complaint. Chairman Allen reported that there were observations of drug activity happening at a house and surveillance was set up across the street from the house. There was a gentleman who was allegedly selling drugs on the porch; therefore, surveillance called in backup units to make the arrest. When the owner of the house - an older woman in her fifties - spoke to the officers, she allegedly walked away from the officers into the house. There was one (1) state trooper and two (2) Albany Police Department police officers on the scene. When the officers followed the woman into the house, a pit bull came down the stairs and lunged at the state trooper. The state trooper discharged one round of ammunition at the dog and took the woman out of the house. An Albany Police Department officer fired a second round of ammunition at the pit bull and the pit bull went up the stairs. The police department called for animal control. A police officer and animal control officer went up the stairs where they found the dog dead; surveillance equipment; CCTV; pictures of a police officer using their equipment; and various paraphernalia. The officers found no drugs in the house.

Chairman Allen stated that there are three complaints referred to him for review. He explained that the third complaint actually had two complainants. One of the complainants alleges that she had a wounded ankle where she had to have surgery and now has pins in it. When she was being put into a patrol vehicle, an officer kicked her in her ankle causing further injury.

Chairman Allen outlined the complaints in the order in which they occurred. First, surveillance was set up by an officer in a house across the street. Second, the intent of the APD was to call for backup to go into the house to apprehend a gentleman who was a dealer. The gentleman was collecting his keys and seemed to be leaving his house, walking away from the porch. The officers arrested him and found "stuff" on him. The

officers followed the owner into the house, but they did not have a warrant. The owner proceeded to lead the officers in, and the officers went down the hallway, past the stairs. Chairman Allen explained that there is a narrow hallway with stairs to the right leading straight up and a hallway to the left. The officers went past the stairs and the dog came down and around the corner when the first shot was fired by the New York State trooper. The Albany police officer fired one shot after the trooper, Complainant 1 went outside, and the dog went upstairs.

Chairman Allen noted that the complainant alleged that children were being put in harm's way. He explained that there was an eight-month old and a two-year old in the area. The complainant believed that those shots should not have been discharged with children in the area.

Chairman Allen stated that he reviewed the confidential report which included a transcript of the radio transmissions between the officer conducting surveillance across the street, the sergeant, and another officer at the South Station unit. Chairman Allen stated that he also reviewed the arrest record for the gentleman who pleaded guilty for criminal possession of a controlled substance. He noted that there was a bench warrant issued for the gentleman for failure to appear. Cases against Complainant 2 and Complainant 3 were adjourned in contemplation of dismissal for six (6) months. Chairman Allen noted that another individual pled guilty to resisting arrest at the scene; another person at the scene pled guilty for possession of marijuana; another person on the scene pled guilty to loitering; and another person pled guilty to resisting arrest. Two individuals were given field interview cards for loitering.

Chairman Allen reported that during the canvassing of the neighborhood; four (4) witnesses had statements that were pertinent to this incident. Witness No. 1 said the owner of the house (Complainant 1) was yelling at the officers. This witness also observed an officer kick Complainant 2 in the ankle. Witness No. 2 observed Complainant 2 coming down the street yelling and screaming at the officers. Witness No. 3 saw an infant on the porch and saw five (5) guys "smoking weed," but did not see the officer kick Complainant 2 when Complainant 2 was put in the car. Witness No. 3 did hear a scuffle. Witness No. 4 heard Complainant 2 ask for assistance when she was being put in the car.

Chairman Allen reported that there were also interviews of the state trooper, the two (2) Albany Police Department officers, and the animal control officer who showed up at the scene. Chairman Allen stated he saw pictures of the dog and quite a few arrest reports. Chairman Allen noted that he reviewed a statement from Complainant 2 admitting that she was in a bad mood, was showing a bad display of temper, and was walking down the street yelling "F*** the police! Albany has a twisted division." In her statement, Complainant 2 said "My mouth was like a rocket and I understand I was wrong." Complainant 2 also said she went to Albany Medical Center following her arrest where she was diagnosed with a sprained ankle. Chairman Allen noted that he reviewed the Albany Medical Center aftercare instructions which said that it was a sprain and prescribed ibuprofen to ease the pain. Chairman Allen stated that he reviewed a

statement from another witness which stated that the witness was going to that house to buy crack on the right side of the street. The witness stated that he bought crack from a medium built individual for fifteen (15) dollars and it was kept in his "anal area."

Chairman Allen summarized the allegations of the first complaint. Based on the complaint, the complainant alleged that APD officers pulled up in front of her house, came up on her porch, and an officer proceeded to walk into her house without a warrant or her consent. When two other officers entered the complainant's house, the complainant told them that her infant grandson was in the house and that her dog was loose. According to the complainant, she asked the officers if she could get her grandson and put the dog away, but the officers refused. The complainant alleged that the dog came down the stairs and, without any reason, the officer shot her dog. The complainant further alleged that the officer fired two shots and during this time her infant grandson was in the next room. The complainant claimed that the officer's conduct was negligent and endangered her grandson's life. She further claimed that the officers violated her constitutional rights by searching her home without a warrant.

Chairman Allen summarized the allegations of the second complaint. Based on the complaint, the complainant alleged that she was called to her mother's house to pick up her nephews because her brother and mother had been arrested. The complainant stated that while she was speaking to another female, an officer came over and stated that he was going to arrest the complainant for disorderly conduct. The complainant further claimed that she was dragged down the street and asked the officer to slow down because she had screws in her ankle from surgery. The complainant alleged that she asked the officer to handcuff her in front because she also had surgery on her shoulder; however, the officer refused that request as well. Once placed in the police unit, the complainant stated that she needed help getting in because her ankle was hurt and the officer repeatedly kicked her ankle until her foot was inside the car.

Chairman Allen summarized the allegations of the third complaint, which involved two (2) complainants. Based on the complaint, the complainant alleged that the officers fired their weapons at her dog, killing the dog and putting her children in danger. Chairman Allen noted that this complaint was a repeat of the allegations of the previous complaint of improper use of force against the dog and placing the children in danger.

It was acknowledged that Monitor Richard Lenihan was present. Mr. Lenihan stated that he did not have anything to add.

Chairman Allen added that he looked at the fact that the dog was in very close proximity to the officer and the state trooper stated that the dog lunged at his leg. Chairman Allen also added that he also considered that there was a witness who stated that he witnessed the kicking of the ankle; though, the complainant was a heavier woman and was not being cooperative. Chairman Allen noted that he also took into consideration that the diagnosis from Albany Medical Center did not necessarily show physical blunt force trauma on the wound but rather a sprain.

John Paneto expressed his concern that this case took three (3) years to be presented to the Board for review. Mr. Paneto noted the Board members have changed from the members who initially took in the complaint. Mr. Paneto also expressed his concern for the warrantless search; why the police could not wait; and why they had to move in right then. Mr. Paneto noted that maybe the officers got overwhelmed by the number of people in the household. Mr. Paneto asked why that group of officers went in instead of the narcotics squad who are clearly more trained and better equipped to handle a no-knock entrance on a possible drug house. Mr. Paneto also added that he is not clear as to what the role or protocol of the state police was when these complaints came in. He noted that the Board has no jurisdiction with the state police; therefore they basically have their hands tied. Mr. Paneto noted that he did not know if the state trooper had a compelling reason to shoot the dog.

Chairman Allen explained that the Board is reviewing the complaint now because the case was suspended. Chairman Allen noted that he was disappointed with the officers' decision to go in without a warrant. As a result, the surveillance equipment and paraphernalia the officers observed was not admissible.

Deputy Chief Stephen Reilly commented that the incident with the pit bull was unpredictable and it was an exigent circumstance. He added that as for the three (3) year suspension, the mayor requested the suspension of the case review because a notice of claim was filed. Deputy Chief Reilly stated that the OPS does not investigate the State Police since they do not have jurisdiction over state troopers.

Chairman Allen noted that without a warrant, the officers assume the risk, but in this case, the officers' intent was to arrest the people who were outside the house.

Deputy Chief Reilly responded that he was not there. The officers' intent could go from drugs to securing the dog.

Chairman Allen stated that this was an operation led by the Albany Police Department and the state trooper was cooperative in the investigation and he issued statements.

Mr. Paneto reiterated his concern that the state trooper fired a weapon, and the case was suspended for three (3) years without review.

Chairman Allen restated that the case's review suspension has nothing to do with the state trooper.

Ronald Flagg stated that they have discussed the reasons for the case's suspension several times.

Assistant Corporate Counsel Jeff Jamison explained the notice of claim process and how the process can sometimes take five (5) years once the Board receives it.

Ronald Flagg noted that when there have been questions in the past regarding the State Police's involvement in APD cases, the Board issued letters to the State Police. Since the last letter was issued to the State Police, a new superintendent has been appointed. Mr. Flagg mentioned it is difficult for him to believe that the new superintendent would not be concerned with the performance of his officers and believes he and his staff would act accordingly.

Chairman Allen stated his belief that this allegation of improper discharge of the firearm on the dog by the state trooper was investigated with the same due diligence as if it were the Albany Police. Chairman Allen stated that he did not find it probable that the investigation was negatively impacted because of the state trooper's involvement.

Mr. Paneto stated that he feels the Albany Police, with the assistance of the state trooper, may have gotten in over their heads when entering the residence because they did not know if there were other individuals with guns in the house which could have resulted in a dead officer or state trooper. Mr. Paneto stated that he is not convinced that enough proper procedures were followed by Albany Police in entering the house, besides the warrant.

In regard to CPRB No. 29-05, Chairman Allen moved to concur with OPS' finding on the allegation of call handling as *exonerated*; the allegation of firearm discharge as *exonerated*; and the allegation of call handling as *exonerated*. Andrew Phelan seconded the motion. John Paneto voted against the motion. The motion failed with a vote of 4-1. Five (5) votes are required for the motion to carry.

In regard to CPRB 31-05, Chairman Allen moved to concur with OPS' finding on the allegation of improper use of force as *not sustained*. Andrew Phelan seconded the motion. The motion carried 5-0.

In regard to CPRB 33-05, Chairman Allen moved to concur with OPS' finding on the allegation of firearm discharge as *exonerated*. Andrew Phelan seconded the motion. The motion carried 5-0.

B. Appointment of New Members to the Committee on Complaint Review for December 2008

The following Board members were appointed to the Committee on Complaint Review for December 2008: Chairman Jason Allen, Ronald Flagg, John Paneto, Andrew Phelan, Jr., and Hon. Fowler Riddick.

C. Committee/Task Force Reports

By-Laws and Rules

Committee Chairman Jason Allen welcomed Deputy Chief Stephen Reilly to the meeting. He explained that OPS Commander Burris Beattie retired at the end of October 2008 and Deputy Chief Reilly replaced him as the head of OPS.

Committee Chairman Allen reported that he had a meeting this month with Deputy Chief Reilly, their liaison, Andrew Phelan, the Deputy Mayor, Chief James Tuffey, and members of the Government Law Center. Committee Chairman Allen stated that at the beginning of this year, four (4) items were recommended by the Board which included the issue notification where if someone fails to fill out a complaint form, the Board reaches out to them to tell them about the Review Board and the complaint process. Committee Chairman Allen stated that the issue notification process had been engaged and at the last meeting there were forty-nine (49) grievance forms which resulted in nine (9) complaints. Committee Chairman Allen further stated that he believed that the issue notification process is working well with great support from the Albany Police Department and Government Law Center. Committee Chairman Allen reported that according to Chief James Tuffey, the Early Warning System should be up and running in January 2009. Committee Chairman Allen stated he would like to engage CPRB Policy Committee Chairman Daniel Fitzgerald to see what the vision of this tool is for the Board; what support does the Board want to get out of it; and what trends will be reported.

Deputy Chief Reilly commented, but the comment was inaudible.

Committee Chairman Allen stated that he believed that the Early Warning System would be a great tool for the Board. Committee Chairman Allen recommended the coordination of a meeting with Daniel Fitzgerald, Ronald Flagg, Deputy Chief Reilly and himself.

Mediation

Committee Chairman Jason Allen reported that Chief James Tuffey was reluctant to commit to when the mediation program would be ready, but the Chief is working on moving it forward.

Committee Chairman Allen noted that the financing for audio and video in police vehicles was approved in July and an order was placed. He added that the APD did not have a date for when the equipment will be in.

Committee Chairman Allen noted there are two (2) policies of the standard operating procedure that are being drafted concerning audio and video and strip searching.

Committee Chairman Allen stated that when looking at the complaint scorecard, the Board does not like to see cases in the red zone. The Board would like the OPS to make sure they get cases within sixty (60) days, as required by the law, or they can make the recommendation that sixty (60) days is not a realistic target. NACOLE has a number of municipalities who have a target of 120 days.

Deputy Chief Stephen Reilly stated, with the change in the OPS, he would like to see if sixty (60) days is manageable. He added that the OPS has a lot of responsibilities in addition to these complaints. Therefore, he would need time to evaluate.

Ronald Flagg pointed out that Chief James Tuffey stated he would like to see the Board stick to reviewing cases within the sixty (60) days and wants to make sure that deadline is met.

Community Outreach

John Paneto asked if his report was removed from the agenda. Chairman Jason Allen stated that he saw the draft of Mr. Paneto's outreach presentation and recommended that Mr. Paneto review the presentation with the co-chair of the committee before making it public. Mr. Paneto stated that he is prepared to make his presentation on community outreach. Mr. Paneto further stated that although Chairman Allen removed his presentation from the agenda, for his own reasons, he is still ready to present it. Mr. Paneto noted that he objected to this maneuver. He added that Chairman Allen told Coordinator of the Board Sharmaine Moseley not to prepare for the presentation because the PowerPoint was not set up. Mr. Paneto stated that by deciding to pull his presentation from the meeting, he will no longer be chairman of the committee.

Chairman Jason Allen reiterated that he did not pull Mr. Paneto's presentation from the agenda, but requested that Mr. Paneto review his presentation with his co-chair. Chairman Allen stated that he requested that Mr. Paneto take the time to discuss these matters before going public out of respect. Mr. Paneto noted that there is no equipment available for his presentation. Chairman Allen reiterated the equipment is not available because he requested the subcommittee review the presentation before going before the full Board.

John Paneto stated his desire to resign from the outreach committee. Chairman Allen accepted Mr. Paneto's resignation from the outreach committee.

Police Department Liaison

Chairman Jason Allen noted that Daniel Fitzgerald was not present at the meeting.

Public Official Liaison

Committee Chairman Ronald Flagg reported that in addition to the meeting with the Deputy Mayor, Corporate Counsel, and members of the Government Law Center, there is a meeting set up for December 2nd at 5:30 p.m. with the Public Safety Committee of the Common Counsel on the second floor in the City Court room.

Task Force on Monitors

Task Force Chairman Jason Allen reported that he and Deputy Chief Stephen Reilly have spoken about the monitor protocol and getting the monitors involved earlier in the investigative process.

D. Report from the Government Law Center

Government Law Center Coordinator of the Board Sharmaine Moseley gave the report.

Complaint Inventory as of Date of Meeting

It was reported that as of today, there are currently sixty-five (65) active complaints before the Board for review. Of those sixty-five (65) active complaints, four (4) were reviewed at tonight's meeting, which leaves the Board with sixty-one (61) active complaints. Out of those sixty-one (61) complaints, nineteen (19) are ready to go on the agenda for review.

It was further reported that two hundred eighty-seven (287) complaints have been closed. The total number of complaints that remain suspended from review is six (6). The total number of complaints filed to date is three hundred fifty-four (354).

It was reported that since last month's meeting, the GLC received six (6) grievance forms, bringing the total number of forms received to fifty-five (55). The GLC has reached out to fifty-five (55) individuals, and has received ten (10) CPRB complaint forms.

Business Cards

It was reported that the City of Albany has agreed to purchase business cards for the Board. Chairman Jason Allen asked Ms. Moseley to find out the cost of the business cards.

Board Vacancies/Re-appointments

It was reported that the GLC has not heard from the Common Council or the Mayor's office regarding the status of the two Board vacancies and re-appointments.

Community Outreach

It was reported that, as agreed to at the last meeting on community outreach, the GLC has begun to post Board member's photos on the CPRB's website. It was further reported that the GLC is also in the process of scheduling outreach meetings with those organizations which the committee talked about.

Meeting with the Common Council Public Safety Committee

It was reported that a meeting between the members of the Public Official Liaison Committee and the Common Council's Public Safety Committee has been scheduled for Dec 2 at 5:30 p.m. at City Hall.

Next Board Meeting

The next Board meeting is scheduled for Thursday, December 11th at the library. At that meeting, nominations for officer positions as well as committee memberships will take place. Elections will take place in January.

E. Report from the Office of Professional Standards

Deputy Chief Stephen Reilly reported that he has assumed the responsibility of overseeing the OPS since Commander Burris Beattie retired. He added that he was given the opportunity to attend the NACOLE conference and learned a lot from its attendees. Deputy Chief Reilly further reported that he intends to improve the communications between the APD and the community. He added that he looks forward to engaging the monitors even more in the investigative process.

F. Report from the Chair

Chairman Allen stated he had nothing new to add to his report.

V. Public Comment

Sharmaine Moseley requested that Andrew Phelan or John Paneto speak about NACOLE.

Andrew Phelan stated that he was honored to attend NACOLE and it was quite an experience. Mr. Phelan noted he was one of 300 people to attend. Mr. Phelan stated that most of the other review boards are set up in the same way as the Albany CPRB, either appointed by their common counsel, their county executive, or their mayor. He added that most were appointed for two (2) or three (3) years. Some of the members were paid, but most of them were not. Mr. Phelan noted it was interesting to listen to how each review board operated. The Albany CPRB appears to be the only Board who works with a law school. Most of the review board's investigations are done by the internal affairs division of the police departments. Mr. Phelan noted that the law school does all the scheduling, press releases, mailings, and conference calls. Mr. Phelan mentioned there were people at NACOLE from countries all over the world, but everyone was very similar.

John Paneto added that this year NACOLE had a certification process and those individuals in attendance will receive letters of certification.

Chairman Jason Allen asked if they saw anything regarding best practices. Mr. Phelan replied that the Board does not have subpoena power, but the Common Counsel does if it is needed. Mr. Phelan noted that there are some Boards around who do their own investigations, but they are employed by the city; separate from the police department.

VI. Adjournment

Chairman Jason Allen moved to adjourn the meeting. John Paneto seconded the motion for adjournment. The motion carried unanimously. The meeting adjourned at 7:06 p.m.

Respectfully submitted,

Ronald Flagg