

**City of Albany
Citizens' Police Review Board Public Meeting
Albany Public Library
161 Washington Avenue- Large Auditorium
January 8, 2009
6:00 p.m. - 8:00 p.m.**

Present: Jason Allen, Ronald Flagg, John Paneto, Andrew Phelan, Jr., Anthony Potenza, and Hon. Fowler Riddick.

Absent: Daniel Fitzgerald 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 Jason Allen stated that he would like to move CPRB No. 25-08 and CPRB No. 29-08 to first on the agenda. Ronald Flagg moved to approve the agenda. Fowler Riddick seconded the motion. The motion carried unanimously.

III. Approval of the October 16, 2008 Meeting Minutes

The October 16, 2008 meeting minutes were reviewed. Anthony Potenza moved to approve the meeting minutes. Ronald Flagg seconded the motion. The motion carried unanimously.

IV. New Business

A. *New Complaints*

1. New Complaints Received Since November 13, 2008 Meeting

Chairman Jason Allen reported that five (5) new complaints had been received by the Board since its November 13, 2008 meeting. Andrew Phelan read a summary of each new complaint.

CPRB No. 77-08

The complainant alleges that on November 3, 2008, two (2) correctional officers punched and kicked him repeatedly in the stomach and torso. The complainant further alleges that he sustained red welts, bruising, blood in his urine, and breathing difficulty as a result of the assault. The complainant further alleges that this is the second such incident at the hands of correctional officials and that his life is in danger.

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

CPRB No. 78-08

The complainant alleges that on November 15, 2008, two (2) officers entered her home with no permission or warrant and assaulted a male occupant. The complainant further alleges that the officers immediately began verbally assaulting the man after entering the home and then used pepper spray on him when he walked away at their request. The complainant claims that the officers had no regard for the five (5) minors and animals who were occupants of the home. The complainant further claims that the officers punched and kneed the man repeatedly in the head and back unnecessarily while he was down on the floor, blinded by the pepper spray. The complainant alleges that the officers eventually stood the man up, handcuffed him, and threw him against a TV and down the stairs. The complainant further alleges that she felt frightened and appalled by the abuse of power by these officers who entered her home and acted on assumptions without properly identifying the man they assaulted and arrested. The complainant further alleges that she and her family had to leave their home in the middle of the night because they felt unsafe and because they were overcome by the excessive amount of pepper spray in their home.

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

CPRB No. 79-08

The complainant alleges that in October 2008, he was arrested for a crime which he did not commit. The complainant further alleges that while he was being arrested, the officer or officers broke his ankle by use of excessive force.

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

CPRB No. 1-09

According to the complainant, on December 22, 2008, while she was visiting her mother's house, there was a disagreement between her daughter's husband and her son. The complainant alleges that the officers who responded to the scene were nasty. The complainant further alleges that the officers falsified the report by writing that the complainant fell on ice.

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

CPRB No. 2-09

According to the complainant, as he was coming out of his house, two officers stopped him and asked him for his ID. The complainant alleges that the officers told him that he was dealing drugs. According to the complainant, he had to take his cloths out to prove to them that he did not have anything.

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

Ronald Flagg asked if incident in the first complaint occurred in the Albany County Jail. Mr. Phelan replied that he did not know. Detective Kathy Hendrick replied that it occurred in Dannemora.

2. New Complaints for Review

CPRB No. 25-08/OPS No. C08-239 (Presented by Andrew Phelan, Jr.)

Andrew Phelan summarized the complaint. Mr. Phelan reported that the incident occurred on April 9, 2008 at 55 Judson Street. The police were called to a domestic dispute between the complainant and his girlfriend. The girlfriend had injuries to her head caused by the complainant. Mr. Phelan noted that the girlfriend also filed a complaint.

Mr. Phelan reported that when the police arrived, things started to get very physical and violent. According to the complainant, "They pushed me through the window of my house and officer got cut hand. They were still trying to hurt me while I was bleeding and now took me to Albany Medical Center and I wanted to speak to a captain or maybe a lawyer but got verbal abuse and was told I have no rights and claim the N-word was used. So when they got me back to the police station, the beating continued."

Mr. Phelan noted he went to the Office of Professional Standards (OPS) to review this case after OPS completed its investigation. Mr. Phelan further noted that he reviewed twelve (12) pages of the report.

Mr. Phelan summarized the findings of the OPS on the first allegation of use of force. Mr. Phelan reported that based on the OPS investigation, the complainant alleged that the officer kicked him in the face during the course of arrest. Based on the investigation, both officers and the lieutenant from the Albany Fire Department reported that the complainant was not kicked in the face. In fact, the complainant was punched in the face by the officer who was in fear of being injured by the complainant and who had just taken a swing at him and attempted to push him over the banister of the porch. Based on the reports, the officers and the lieutenant from the Albany Fire Department were in fear, and the complainant was not kicked in the face.

Mr. Phelan summarized the findings of the OPS on the second allegation of use of force where the complainant alleged that an officer punched him in the face. Mr. Phelan reported that based on the OPS investigation, the officer stated that he did punch the complainant in the face, but only after informing the complainant that he was under arrest and the complainant took a swing at him and then attempted to push him over the banister of the porch. According to the officer, the officer was in fear of being injured by the complainant who was aggressively resisting the arrest. The officer stated that after receiving his injury, he wanted to get the upper hand on the complainant and the first chance he had, he took a swing at the complainant striking the complainant in the face

with a closed fist. Mr. Phelan reported that the officer's actions were warranted based on the complainant's actions and the officer's training. Mr. Phelan noted that the Albany Police Department's defensive tactics training lists the first fist as a personal impact weapon and the face as a vulnerable area to strike. Based on the OPS investigation, the complainant stated "I'm sorry the officer got hurt. That ain't me. I must have been drunk. I don't normally fight with police." The complainant stated that he is not a drinker and that Captain Morgan may have gotten the best of him.

Mr. Phelan summarized the findings of the OPS on the first allegation of conduct standards. Mr. Phelan noted that the complainant alleged that one of the officers in the hospital called him the "N" word. Mr. Phelan reported that based on the OPS investigation, all of the officers involved denied calling the complainant or hearing anyone call the complainant the "N" word. In addition, the doctors and nurses assigned to treat the complainant also denied hearing an officer call the complainant that name. Mr. Phelan summarized that based on the officers' and the independent witness statements, this allegation did not occur.

Mr. Phelan summarized the findings of the OPS on the second allegation of conduct standards. Mr. Phelan noted that the complainant alleged that an officer punched him in his face after he was handcuffed. Mr. Phelan reported that based on the OPS investigation, the officer reported that they punched the complainant in the face prior to him being handcuffed. After the complainant was handcuffed, no one struck the complainant as he alleged.

Mr. Phelan summarized the findings of the OPS on the third allegation of conduct standards. Mr. Phelan noted that the complainant alleges that the officer kicked him in the face during the course of his arrest. Mr. Phelan reported that based on the OPS investigation, neither the officers nor the lieutenant from the Albany Fire Department reported seeing anyone kick the complainant in the face. Based on the facts of the investigation and an independent witness from the Albany Fire Department, it appears that this act did not occur.

Mr. Phelan summarized the findings of the OPS on the second allegation of use of force. Mr. Phelan reported that based on the OPS investigation, all the officers stated that it was the complainant's action that warranted the use of force. Mr. Phelan further reported that the officers were only complying with the policy regarding the lodging of prisoners. The complainant had extra articles of clothing that were not allowed, per this policy, and the complainant was asked to voluntarily turn these articles over to the officer. He refused. Based on the complainant's refusal, the officers were forced to handcuff him and remove the articles of clothing themselves. When the officers attempted to remove the articles of clothing, the complainant swung at the officers. The complainant placed the officers in fear of injury which caused the officers to use a minimal amount of force needed to handcuff the complainant. After removal of the articles of clothing, the complainant was then placed back in the cell, and he was not injured. Mr. Phelan further reported that a sergeant received an injury which required medical attention.

Mr. Phelan noted that he agreed with the OPS finding of *unfounded* on the first allegation of use of force where the complainant alleged that the officer punched the complainant's boyfriend in the face¹.

Mr. Phelan noted that he agreed with the OPS finding of *unfounded* on the second allegation of use of force where the complainant alleged that the officers dragged the complainant's boyfriend down the stairs after he was handcuffed².

Mr. Phelan noted that he agreed with the OPS finding of *unfounded* on the first allegation of violation of conduct standards where the complainant alleged that the officer at the hospital called the complainant the N-word.

Mr. Phelan noted that he agreed with the OPS finding of *unfounded* on the second allegation of violation of conduct standards where the complainant alleged that the officer punched the complainant in the face after he was handcuffed.

Mr. Phelan noted that he agreed with the OPS finding of *unfounded* on the third allegation of violation of conduct standards where the complainant alleged that the officer kicked the complainant in the face during the arrest.

Mr. Phelan noted that he agreed with the OPS finding of *not sustained* on the second allegation of use of force where the complainant alleged that the officers beat the complainant while at the station.

Mr. Phelan stated that he reviewed pictures of the complainant with Detective Romano and he did not see any indication of any physical injuries to the complainant. Mr. Phelan noted that a monitor was assigned to investigate this complaint. Mr. Phelan further noted that the complainant was not present at the meeting.

Ronald Flagg asked if there were any witness statements. Mr. Phelan answered that there were statements taken from the fire lieutenant who was present. He explained that it was a domestic dispute that got out of hand.

Chairman Allen asked if, besides the complainant's girlfriend, there were any neighbors who witnessed the incident. Mr. Phelan answered that there was a young man in the apartment who was the boyfriend of the girlfriend's daughter. The young man was in and out of the room during the incident and the only allegation he substantiated was that the complainant was dragged down the stairs. However, the police and fire officials testified that they were involved in a struggle with the complainant and the group of them stumbled down the stairs.

¹ Mr. Phelan inadvertently reported that this allegation was that the officer punched the complainant in the face. The allegation was that the officer kicked the complainant in the face.

² Mr. Phelan inadvertently reported that wrong allegation and finding. The OPS finding was *exonerated* in regard to the allegation that the officer punched the complainant in the face.

Chairman Allen suggested that both complaints be read and then voted on by the Board. Mr. Phelan agreed with Chairman Allen's suggestion³.

CPRB No. 29-08/OPS No. C08-298 (Presented by Andrew Phelan, Jr.)

Andrew Phelan summarized the complaint. The complainant alleged in her complaint that the officers punched her boyfriend while he was handcuffed. The complainant further alleged that the officers dragged her boyfriend down the steps while he was handcuffed.

Mr. Phelan stated that there were two conduct allegations in this complaint. Mr. Phelan explained that the first allegation was use of force. Mr. Phelan reported that based on the OPS investigation, both of the officers stated that they punched the boyfriend in the face prior to the complainant being handcuffed in order to subdue him and conduct the lawful arrest. No one struck the complainant after he was handcuffed. Based on these facts the case and acts were misconstrued by the complainant.

Mr. Phelan reported that the second allegation was also use of force. The complainant alleged that the officers dragged her boyfriend down the stairs after her boyfriend had been handcuffed. Mr. Phelan further reported that based on the OPS investigation, neither the officers, nor the lieutenant from the Albany Fire Department reported seeing anyone drag the boyfriend down the stairs as alleged by the complainant. Both the officers and the Fire Department lieutenant reported that during the struggle all of them gradually fell down the stairs while attempting to place the boyfriend in handcuffs. Based on the facts of the investigation and independent witnesses and the lieutenant from the Albany Fire Department, it appears that these acts did not occur.

Mr. Phelan reported that he reviewed pictures of this complainant at the OPS that showed serious bruising and scrapes to her neck area. Mr. Phelan stated that the witness had more injuries than the complainant who claimed to have been kicked and beaten.

Mr. Phelan stated that he agreed with the OPS findings of *unfounded* on the first and second allegations of use of force. He noted that the same monitor who was appointed to CPRB No. 25-08 was appointed to this case.

It was noted that the complainant in this case was present. The complainant stated that her complaint was true, and her boyfriend was dragged down the stairs and punched by the officer. The complainant further stated that she was the one who filed the complaint.

Andrew Phelan moved to concur with the OPS findings of *unfounded* on both allegations. Ronald Flagg seconded the motion. The motion carried unanimously.

³ The Board inadvertently failed to vote on Mr. Phelan's motions. As a result, Mr. Phelan's motions were voted on at the Board's March 12, 2009 meeting.

CPRB No. 34-08/OPS No. C08-331 (Presented by Anthony Potenza)

Anthony Potenza summarized the complaint. Mr. Potenza stated that this complaint involved an allegation of violation of conduct standards. Mr. Potenza noted that a monitor was not assigned to investigate this case. He added that there is no listed location of this incident because the allegations took place over numerous locations in the City of Albany as well as the Village of Menands. The complainant alleged that on an unknown date and time she noticed an Albany police officer running her license plates down the street from her house. The complainant asked the officer if everything was okay, and the officer told the complainant "Yes, everything was okay." The complainant stated that about a week later, she noticed several unmarked vehicles following her. The complainant further stated that she was being followed while at her place of employment. She checked with the Menands Police Department to see if there was a problem, to which she was told "no." According to the complainant, in the last two months she was still being followed and harassed. The complainant stated that her friends told her she is being watched for selling drugs. The complainant feels that the military and the police are following her, and she has the plate numbers of the vehicles. Based on this, the complainant is afraid for her life and has lost 35 pounds due to stress.

Mr. Potenza reported that he reviewed the OPS confidential report. Mr. Potenza further reported that based on the OPS investigation, there were numerous attempts to contact and interview the complainant. He explained that based on the investigation, on one occasion, the complainant stated that she would make a 1:00 p.m. appointment with the OPS. The OPS called the complainant at 2:25 p.m., and the complainant never showed up for the appointment. The OPS had no choice but to find the allegation as no finding of violation of conduct standards. Mr. Potenza noted that the complainant believes that people from the military were following her, and she does not have a complaint with the Albany Police Department.

Anthony Potenza moved to concur with the OPS finding of *no finding* on the allegation of a violation of conduct standards. Andrew Phelan seconded the motion. The motion carried unanimously.

CPRB No. 21-08/OPS No. C08-241 (Presented by Ronald Flagg)

Ronald Flagg noted that a monitor was not assigned to investigate this case. Mr. Flagg further noted that the complainant stated that officers investigated a case improperly and were biased against the complainant. Mr. Flagg summarized the complaint and the recommendation from the OPS that the case be closed as *unfounded* where the review shows that the act(s) of the complaint did not occur or were misconstrued. The complainant felt as if the officers were biased toward the other parties involved in the incident. Mr. Flagg reported that based on the OPS investigation, the officer reported that the investigation was based on the facts of the accident and not biased toward anyone involved. The complainant pled guilty to the tickets that were issued to him and paid fines for both the tickets. The driver and passenger of the other vehicles stated that the officers were professional and were just doing their job, and they could not believe that

the complainant made the complaint. Based on the facts, the officers were not biased toward the other parties involved in the accident. Mr. Flagg further reported that the review of the accident reports showed the reports were filled out properly.

Mr. Flagg moved to concur with the OPS finding of *unfounded*. Andrew Phelan seconded the motion. The motion carried unanimously.

CPRB No. 23-08/OPS No. C08-254 (Presented by Ronald Flagg)

Ronald Flagg stated that after a brief discussion with Deputy Chief Stephen Riley, Mr. Flagg recommended that the Board send this case back to OPS. Mr. Flagg explained that the Chief might like to have a further review of this case.

Chairman Allen stated there was no need to vote on sending the case back to the OPS. It was noted that the case was sent back to OPS for further review.

CPRB No. 19-08/OPS No. C08-236 (Presented by John Paneto)

John Paneto summarized the complaint. The complainant alleged that while on the side of the road on the cell phone, an officer pulled alongside him and asked who the car belonged to; who is the car registered to; where was the complaint going; and who was the girl that the complainant was talking to? The complainant stated that he asked the officer why she was asking him all of these questions and the officer said "We can make this hard or easy." According to the complainant, because the complainant was not answering all of the officer's questions, she made it a traffic stop, but gave the complainant a parking ticket instead. The complainant stated that he was parked on the wrong side of the road and the officer should have given the complainant a ticket or told the complainant to keep moving, but not interrogate him. The complainant alleged that the officer inappropriately interrogated the complainant on the scene and gave him a ticket for being parked illegally.

Mr. Paneto reported that based on the OPS investigation, the officer indicated that the complainant's vehicle was parked illegally on the wrong side of the street, which was the reason and nature of the stop. The officer explained to the complainant that he was causing a possible obstruction of emergency traffic. According to the officer, the complainant was observed lying in the back seat of the car talking to a female who disappeared when the police arrived. The officer stated that the complainant was questioned about the information regarding the vehicle; why the complainant was there; and why the complainant was on the wrong side of the road. The officer attempted to interview the complainant on the scene. The officer indicated that the complainant was uncooperative, refused to answer any of the questions, and was confrontational. The complainant was advised several times by the officer that he was illegally parked. The complainant continued to refuse to answer any questions at which time the inquiry was turned into a traffic stop. The officer then obtained the complainant's personal information from his driver's license, registration, and insurance. The complainant was subsequently issued a parking ticket and not a uniform traffic ticket based on the officer's

discretion. According to the officer, the car was illegally parked, so the officer wanted the individual to move his vehicle. Mr. Paneto noted that if the complainant would have moved his vehicle, the encounter probably would have lasted just thirty (30) seconds. Because the complainant was not responsive and somewhat confrontational, it took more than twenty (20) minutes to finish this call.

Mr. Paneto stated that the officer acted appropriately and legally in her encounter with the complainant. Mr. Paneto further stated that it appeared that if the complainant had complied immediately, the police encounter would have been less intense.

Mr. Paneto noted that a monitor was not assigned to investigate this case. It was noted that the complainant was not present.

John Paneto moved to concur with the OPS finding of *exonerated*. Anthony Potenza seconded the motion. The motion carried unanimously.

CPRB No. 4-08/OPS No. C08-61 (Presented by John Paneto)

John Paneto noted the complainant was not present. Mr. Paneto further noted that the monitor assigned to investigate the case was present. Mr. Paneto summarized the complaint. On June 30, 2007, members of the Albany Police Department were in the immediate area on another call for a loud noise at a nearby residence. The complainant was seen inside his parked vehicle near this residence. One female was also observed by the vehicle but she disappeared from the area when the police arrived. Upon questioning by the police, the complainant answered "yes" to being on parole. Upon subsequent search of the complainant's vehicle, the police found that the complainant was drinking alcohol in his vehicle. It was determined the complainant was an unlicensed operator of said vehicle. In the vehicle, police also found marijuana and fireworks.

Mr. Paneto noted that the complainant was arrested at the scene and subsequently transported by police in a so-called paddywagon. The complainant claimed that he was placed in the wagon with his hands cuffed behind him and he was not properly belted in the van. Based on the OPS investigation, the officer did not recall if the complainant was seat belted. The officer who placed the complainant in the vehicle did not recall whether he placed the complainant in a seatbelt or not. The complainant stated that he was injured during his transportation to the police station. Upon exiting the paddywagon, the complainant told the police officer that he was injured. The complainant was immediately seen on-site by EMS and taken by ambulance to Albany Medical Center's emergency room. The complainant was seen at Albany Medical Center around 3:18 a.m. Mr. Paneto noted the incident started at 11:18 p.m. and approximately five (5) hours later the complainant was seen at the emergency room. The emergency room physician reported that the complainant had minimal contusion to his right eye and upper brow; no visual defects; and was acutely intoxicated with alcohol. The emergency room physician did not recommend that the complainant seek follow-up care. A blood alcohol test was not taken by the Albany Medical Center.

Mr. Paneto noted that the complaint was filed on February 1, 2008, seven (7) months after the police encounter. The OPS determined that the complainant may have been injured in transport because he was not belted into the seat, indicating the need to address an ineffective policy and training. Mr. Paneto stated that he saw the files and a picture of the van in question. He noted that the entrance to get the prisoner in the van is a very tight area. There are two seats immediately upon entrance. It is a regular passenger van with seating on both sides and a panel in the middle and the officer has to get in and buckle the complainant in the seat. Mr. Paneto stated that he suspected it could be a dangerous situation for the officer to get into the van with the person they just handcuffed. It is a one way in and no way out situation.

Mr. Paneto stated that the monitor's report was rather extensive and clearly documented all of the complainant's testimony, but it did not add to the complainant's issue that he was mistreated in any way while in police custody, especially since the complaint was not filed until seven (7) months after the incident. Mr. Paneto added that the whereabouts of the complainant during those seven months was unknown and his medical condition after he left custody was unknown, as well.

Monitor Theresa Balfe was acknowledged. Ms. Balfe asked Mr. Paneto what he meant by his statement that the complainant's testimony did not add anything to the complaint. Ms. Balfe noted that the monitor's report followed all of the documents and complaints. Mr. Paneto restated that it did not add to the complainant's issue that he was hurt or that something wrong happened intentionally. Ms. Balfe added that all of the medical findings in the report were documented in her report and there was nothing else to add. Mr. Paneto stated the complainant did not provide any additional information. Ms. Balfe stated she provided everything that she could and noted she stated in her final closing that she would like to see the results of a blood alcohol level test. Mr. Paneto stated that he also asked the detective for the complainant's blood alcohol level. Mr. Paneto noted that five (5) hours after the encounter, the emergency room physician wrote in the physician's report that the complainant was visibly drunk and acutely intoxicated with alcohol. Mr. Paneto added he did not know what the condition of the complainant was when the police first saw him, but that was a very good observation.

Chairman Allen noted that OPS' finding was *ineffective policy and training*.

John Paneto moved to concur with the OPS findings on the arrest authority procedures allegation as *ineffective policy and training*. Anthony Potenza seconded the motion. The motion carried unanimously.

CPRB No. 29-05/OPS No. C05-551 (Presented by Chairman Jason Allen)

Chairman Allen noted this case was reviewed in November and some parallel complaints came out of it from witnesses and people related to the complainant. Those parallel complaints were CPRB No. 31-05 and CPRB No. 33-05. Chairman Allen reported that this complaint was approved by the Board by a vote of 4-1, but in order for the motion to carry; five (5) votes are needed. Chairman Allen noted that what was approved on the

other complaints was consistent with what was not approved on this complaint. Chairman Allen stated that he could go over the details of the case and answer any pertinent questions. Mr. Paneto recommended Chairman Allen read a summary of the case for the record.

Chairman Allen read a summary of the complaint verbatim.

On September 20, 2005 at 5:54pm, I was on my front porch at 7 Teunis St. in Albany, NY along with son and grandson. My infant grandson was asleep in the house. A police car pulled up and two officers jumped out. One of the officers came up on my porch. The officer proceeded to walk into my house without a warrant or my consent. I asked _____ what _____ was doing in the house and the officer yelled at two other officers on the porch to "get her out of here and cuff her." Two other officers also entered my home at this time. I told the officers that my infant grandson was in the house and that the dog was loose. I asked _____ to let me get my grandson and put the dog away but _____ refused. The dog came down the stairs and without any reason; the officer shot and killed the dog. _____ fired two shots. During the time the officer fired these shots, my infant grandson was asleep in the next room. The officer's conduct was completely negligent and greatly endangered my grandson's life. I told _____ that my son was sleeping in the next room but _____ fired two shots anyway. In addition, the officers violated my constitutional rights by searching my home without a warrant.

I am completely outraged at the conduct of the officers. Firing a weapon in a small space knowing that an infant is sleeping close by is unacceptable. Additionally, there was no reason to shoot my dog.

Chairman Allen reported that the complainant's house had been under surveillance. The officer who observed the property from across the street decided that the time was right to go into the house based on the individuals who were standing outside the house. During the conduct of the raid, when the officers were entering the house, a pit bull came down the stairs. A state trooper, who was accompanying the Albany Police Department officers, fired two (2) shots at the dog, and the wounded dog went up the stairs. Chairman Allen noted that the Board went over a great bit of detail at the November meeting concerning items that were found in the house, as well as, the location where the baby was, the conduct of the dog, where the shooting of the dog occurred, and how it tied into the officers' stories.

Chairman Allen noted that his motion at the time was to concur with the OPS findings. Chairman Allen reported that the OPS finding regarding the call handling allegation was **exonerated**, where the acts which provide the basis for the complaint occurred but the review showed that such acts were proper. Chairman Allen reported that based on the OPS investigation, the officers were conducting an investigation into drug activity occurring at and around the complainant's residence. An officer observed a drug transaction taking place and the seller placed a bag into the vestibule area of the doorway. Chairman Allen noted that is a common practice of drug dealers to hide drugs in

locations so as not to have the drugs on them in case they are stopped by police officers. The officers approached the residence to take the seller into custody and conduct a further investigation into the placement of the bag.

Chairman Allen reported that the OPS finding regarding the firearm discharge was *exonerated*, where the act or acts which provide the basis for the complaint occurred but the review showed that such acts were proper. Chairman Allen reported that based on the officer's statement, the pit bull came down the stairs while the officers were attempting to take the complainant into custody. The dog came at the trooper first in a threatening manner placing his head down toward the trooper's leg. The trooper fired one shot at the dog's back area.

Chairman Allen reported that the OPS finding regarding the call handling allegation was *exonerated*, where the act or acts which provide the basis for the complaint occurred but the review shows such acts were proper. Chairman Allen reported that based on the OPS investigation, once the dog had been shot, the wounded dog retreated back to the second floor of the house. The officers along with an animal control officer searched the second floor of the residence in order to locate the dog. The officers searched the second floor and observed in plain view a video surveillance system pointing to the outside of the residence using a live feed through a television. Also observed were several bb guns, cigar boxes, and a printed photograph of an officer sitting near the patrol wagon, presumably printed from the video surveillance system.

Chairman Jason Allen moved to concur with OPS' findings. Ronald Flagg seconded the motion. The motion carried unanimously.

CPRB No. 9-08/OPS No. C08-142 (Presented by Chairman Jason Allen)

Chairman Jason Allen read the complaint verbatim.

On the evening of February 19, 2008, me and my friend were at my house on Dove Street. We decide to get coffee at Dunkin Donuts on Lark Street when my friend decided she was hungry, she wanted something to eat. We stopped for only one second so that she could get out of the car to go to Dino's Pizza. We're pulled over and I was driving my friend's car. The officer took my valid driver's license and left, came back and told me I had a permit and to get out of the car. Searched me and searched my friend. Also search the car and found nothing. I did not appreciate him lying to me just to search us. I feel violated. I served this country for four (4) years in the Marine Corps, honorable discharge and six (6) months in Iraq before coming home and while I'm out of the car he proceeds to tell me that my girlfriend is a known prostitute in the Albany area for years. I was lied to and my girlfriend was slandered by this police officer; very unprofessional. I would like action taken on him; also, not to pay this ridiculous double parking

ticket my girlfriend received knowing that. How is it double parking if I was letting her out to go get pizza? I mean, should I have not stopped and let her out of the car while it was still moving; that makes no sense, but if these little things are not taken care of, I am not going to take this harassment from anyone. I will go to the news and let the public know how these cops treat veterans that served their country. Thank you for listening to me in this matter.

Chairman Allen noted that a monitor was assigned to this case. He stated that he went to OPS and reviewed the confidential statement, the parking ticket, and the record of what is printed out when officers look up the tag. Chairman Allen summarized the way the incident happened from his point of view. The complainant stopped at about 1:20 in the evening. The officer ran the plate and both licenses. One of the licenses came up as a permit, and one of the licenses came up as expired or not valid. Based on that, the officer who was training a female officer that night, decided to impound the car since, in the officer's eyes, there was not a legitimate driver for that car. When the complainant was insistent that his girlfriend had a good license, the officer called dispatch. Dispatch ran the license again and found that the complainant's girlfriend's license was okay. Based on that, the officer called off dispatch, but while that whole process was occurring, he shined his light into the car looking for anything that was obvious that could be used as a weapon. The trunk and the deep interior of the car were not searched. The stop lasted from 1:19 in the morning to 1:40 in the morning. There were three (3) inter-department correspondences (IDC). The male officer, who was training the female officer that night, was brought in and interviewed. The male complainant left town to stay with sick relatives in late March or early April and could not be reached by telephone nor brought in to be interviewed. The female complainant was brought in, and the monitor was there for that interview. Chairman Allen noted he looked at what the officer saw when he ran the complainant's license. Chairman Allen stated that he was troubled that when licenses are consistently pulled, it says permit and to the unacquainted eye they see permit and think learner's permit, not Class D driver's license. Chairman Allen added that he could see where there would be confusion, but the situation was reconciled by the fact that the officer did call dispatch and the car was not impounded, nor towed away.

Monitor Al Lawrence was acknowledged. Mr. Lawrence added that the officers took the complainant and his girlfriend out of the car and patted them down for safety reasons; based upon the theory that the officers were going to impound the car. Chairman Allen added that two units ended up arriving at the scene; one unit consisted of a male police officer and a female trainee; the second unit had one female officer. While the complainant and his girlfriend were being searched and spoken to separately the male officer was with the male complainant and the two female officers were with the complainant's girlfriend. The male complainant alleges that the male officer told him his girlfriend was a crack whore. In a sworn statement, the officer claims that he never heard of or dealt with the complainant's girlfriend before, although she did have an arrest

record on file with the APD. No one else was there to hear the comment allegedly said by the male officer.

Mr. Paneto stated that the police confronted the individuals in the car and asked them to get out of the vehicle when their licenses appeared to be questionable. Mr. Paneto asked what the standard operating procedure was on patting someone down for possible weapons when the vehicle is stationary and the occupants get out of the car. Deputy Chief Stephen Reilly answered that when someone is patted down for a weapon, there should be a reason to believe that the person being patted down may possess a weapon.

Ronald Flagg asked if the officers had the complainant and his girlfriend next to the car because they were going to impound the car. Deputy Chief Reilly answered that when vehicles are impounded, the officers conduct a search of the vehicle. Deputy Chief Reilly reiterated the fact that when a person is searched, there has to be a reason to suspect that person may be in possession of weapons or contraband.

Mr. Flagg asked why the officers patted them down. Chairman Allen asked if Deputy Chief Reilly could articulate how the pat down was justified. Deputy Chief Reilly replied that a pat down could take place if there are movements to the waist or some area where a person is likely to carry a weapon or a reasonable belief that they have or are about to commit a crime. There are many events or reasons which might cause an officer to feel that the person they are dealing with may be in possession of a weapon; so, to protect themselves and others, the officers are legally allowed to pat the person down for a weapon. Deputy Chief Reilly added that this is the difference between a search and a pat down.

Chairman Allen stated that for the second conduct allegation where the review shows that the act or acts complained of did not occur or were misconstrued as to the allegation that the officers lied to the complainants just to search them and telling complainant #2 that they were allowed to search her, based on the OPS investigation, the officers stated that neither party presented a valid driver's license and they were subsequently removed from the vehicle because it was going to be towed. They were not searched, although a pat down of them was conducted for officer safety.

Deputy Chief Reilly commented that if the officers believed that the person they were dealing with was lying--if they committed a crime or were about to commit a crime - those events adding up could justify a pat down or a search.

Chairman Allen continued that complainant #1 was advised by the officer that the officer was going to frisk him, to which the complainant consented. The officer further stated that he did not like people to be out of their cars without checking them for weapons. From an officer's safety standpoint, when persons are removed from a vehicle, there is a significant loss of control and the opportunity for harm increases. Deputy Chief Reilly noted that in his experience, he has asked people for their consent to pat them down if he reasonably believed that they may have a weapon on them.

Chairman Allen reported that the OPS finding on the call handling allegation was **unfounded**, where the review shows that the act or actions complained of did not occur or were misconstrued as to the complainant's allegation that an officer took his license and said that it was invalid and that he only had a permit. Based on the OPS investigation, the incident occurred, but the officer acted lawfully. The DMV printout did indicate that the complainant had a valid license; however, the DMV printout was misconstrued due to the fact that the status read "permit" and the DMV check on complainant #2 indicated the status as "cancelled". The officer indicated that upon review of the computer, it showed up as permit on both parties and this added confusion to what was meant. The officer stated that he saw that the valid section on the computer screen usually stops after status and it showed "permit" and he believed both only had a permit. The officer stated that he received the same information for complainant #2; however, she was insistent that she had a valid license and that was the officer's reason for clarifying with the dispatchers. After reviewing the printout, the officer admitted to being confused as to how DMV presents their information. The officer indicated that neither party presented the proper identification that would have clarified the possibility of having a valid drivers' license. The officer indicated that he reviewed the status of complainant #2's permit via her client ID number which is consistent on the printout. The officer further indicated that complainant #1 told him that he only had a permit which is why he did not clarify the status via the dispatcher.

Chairman Allen reported that the OPS finding on the call handling allegation was **exonerated**, where the acts which provide the basis for the complainant occurred, but the review shows that such acts were proper. Based on the OPS investigation, in reference to the allegation that both complainants were taken out of the vehicle, it was the officer's belief that neither party had a valid drivers' license because neither party presented the officer with one. As a result, the officer removed them from the vehicle because he was going to tow the vehicle. A follow-up check conducted via the dispatcher clarified that complainant #2 did in fact have a valid license, despite her failing to produce it.

Chairman Allen reported that the OPS finding on the violation of conduct standards allegation regarding the pat down was **unfounded**, where the review shows that the act(s) complained of did not occur or were misconstrued.

Chairman Allen reported that the OPS finding on the violation of conduct standards allegation that the two officers searched the vehicle as the complainants were sitting inside, specifically shining flashlights and searching the center console and glove compartment, was **unfounded**, where the review shows that the act or acts complained of did not occur or were misconstrued.

Chairman Allen reported that the OPS finding on the violation of conduct standards allegation that the male officer stated that complainant #2 is a well-known crack prostitute, was **unfounded**, where the review shows that the act or acts complained of did not occur or were misconstrued. Based on the OPS investigation, the first officer stated that he never had contact with complainant #2 in the past and did not know anything about her criminal history. The officer stated that he never referred to her as a crack head

or prostitute, nor did he hear another officer make any reference to her being a crack head or prostitute. Additionally, the officer stated he did not recall any information coming up pertaining to complainant #2's prostitution background or drugs because his focus was to find out if complainant #2 had a valid drivers' license. Based on the OPS investigation, the other officer said that she did not hear the other officer make any reference to complainant #2 being a crack head or prostitute. The other officer stated she did not hear any officer refer to complainant #2 as a prostitute or act unprofessionally. Chairman Allen stated that the officers' statement is substantiated by the mobile data terminal printout which did not indicate complainant #2's criminal history.

Chairman Allen noted that the complainant was not present at the meeting, and there were no further questions.

Chairman Allen moved to concur with OPS' findings on all five (5) allegations. Andrew Phelan seconded the motion. John Paneto voted against the motion. The motion carried 5-1.

John Paneto explained that he voted against the motion because he was not convinced that the Albany Police had reason to ask the individuals to get out of the vehicle. Mr. Paneto stated that the officers acted prematurely and that the pat down was a search. Mr. Paneto agreed that he would be concerned about the permit, but it would have been handled differently. Mr. Paneto reiterated that he was not convinced there was a real reason for asking the individuals to get out of the vehicle, and he found the search to be inappropriate.

CPRB No. 36-08/OPS No. C08-278 (Presented by Anthony Potenza)

Anthony Potenza summarized the complaint. The complainant alleged three (3) counts of violations of excessive use of force and two (2) counts of violations of conduct standards which occurred during a domestic encounter with the police over an order of protection issued to the complainant. The complainant alleged that he was kicked, beaten, and tasered five (5) times during a confrontation with officers at his home. Mr. Potenza stated he reviewed the complaint, the civilian complaint report, the OPS confidential report, the officer's IDC, and the report from the monitor assigned to the case.

Mr. Potenza summarized the OPS findings. Mr. Potenza reported that the OPS finding on the use of force allegation where the complainant alleged that an officer kicked him while they were struggling with him, was *unfounded*, where the review shows that the act(s) complained of did not occur or were misconstrued. Based on the OPS investigation and the officer's description of events, it was the complainant who was kicking the officers. The witness, the complaint's wife, never mentioned in her statement that the officers kicked him. One officer reported that he utilized several knee strikes to that complainant's abdomen and thigh area in an attempt to get the complainant to release his hold of another officer's neck. During the course of this incident, a number of officers were called to the scene to assist in the altercation at the complainant's home.

The officer reported learning of such strikes in law enforcement academy, and the technique identifies that the thigh area and the stomach are vulnerable areas.

Mr. Potenza reported that the OPS finding on the second use of force allegation, where the complainant alleged he was tased multiple times during the course of his arrest, was **unfounded**. Based on the OPS investigation, the complainant, in his own statement, admitted to resisting his own arrest. The officers, as well as the complainant's wife, all stated that the complainant was actively resisting his arrest. Mr. Potenza further reported that based on these facts, the taser was warranted and eventually assisted the officers in gaining control of the complainant and taking him into custody.

Mr. Potenza reported that the OPS finding on the third use of force allegation, where the complainant's wife stated that the complainant was hit in the head with a night stick by one of the officers, was **unfounded**. Based on the OPS investigation, all of the officers and the supervisor involved denied using their baton during the struggle. Furthermore, the complainant himself never stated he was struck in the head with a night stick. The complainant's injury to his head came when he, along with officers, fell into a computer desk and the complainant struck his head on the desk, causing the complainant to sustain a minor laceration.

Mr. Potenza reported that the OPS finding on the first count of a violation of conduct standards allegation, was **unfounded**, where the review shows that the act(s) complained of did not occur or were misconstrued. Mr. Potenza noted that the complainant alleged that the officers refused to render first aid to him for his injuries until his wife threatened to file a complaint. Mr. Potenza further noted that there is documentation in the OPS file which disproved the complainant's allegation. The complainant was tased at 1:09:25, placed into custody at 1:11:40, and EMS was requested at 1:11:56, which indicates there was no delay in requesting EMS assistance.

Mr. Potenza reported that the OPS finding on the second count of a violation of conduct standards allegation, where the complainant alleged that the officers pulled their guns on his wife when she attempted to get the officers to leave the complainant alone, was **unfounded**. Based on the OPS investigation, all of the officers and the supervisors involved denied that any officer pointed their handgun or threatened the complainant in any way. All the officers and the supervisor denied that the wife interfered with the arrest, nor did the wife state in her statement that any officer ever pointed a gun at her.

Mr. Potenza noted that based on the OPS findings and the report of the monitor assigned to this case that he moved to concur with the findings of OPS on all five (5) allegations.

Chairman Allen noted that the complainant was not present at the meeting.

John Paneto stated that he was not clear about the location and questioned whether the officers arrived at the complainant's wife's residence when she called the police. Mr. Potenza stated that the police arrived at her residence, but this incident actually occurred in the process of serving the complainant an order of protection. Mr. Paneto asked if the

complainant and his wife resided in the same household. Monitor George Kleinmeier was acknowledged. Mr. Kleinmeier stated that the complainant's wife had the stay-away order and that was why she called the police. The complainant was at the residence regardless of whether it was his or her residence; the wife had the order to stay away which was why she called the police. Mr. Paneto asked where the complainant was living. Mr. Kleinmeier reiterated that the wife got the stay-away/no contact order and the complainant showed up when he was not supposed to. Mr. Kleinmeier noted that the complainant is in a wheelchair, so he doubts it was his home. Mr. Paneto asked why the police would remove the complainant from his own residence. Mr. Paneto stated that he was not clear on the logistics of whether or not the complainant had the right to be at the residence. Mr. Paneto stated that he understood that there was an order against the complainant, but if the complainant was living there and she allowed him to enter the premises again or things got out of hand and she just changed her mind and said he could not stay there any longer, he does not know at what point in time the complainant would have to leave his residence. Mr. Potenza stated that the complainant alleged that he was at his apartment. Mr. Potenza further stated that he knew where Mr. Paneto was coming from. Mr. Paneto restated his concern that the complainant was supposed to be at the residence and the Albany Police showed up and removed him from his residence. Monitor Theresa Balfe asked if the order of protection showed the complainant's physical address. Mr. Paneto replied that he may have moved since filing the complaint.

Ronald Flagg stated that there was a domestic dispute that necessitated the police being called, aside from the order of protection. Mr. Flagg asked if New York State created a law that during a domestic dispute the person who is causing the problem has to be removed, regardless of whose residence it is. Therefore, in this situation, the officers must have thought they needed to remove the complainant. Deputy Chief Reilly stated that the officers were there to serve the order of protection. Mr. Potenza stated that this altercation occurred in conjunction with the serving of the order of protection.

Mr. Paneto stated that he was still unclear as to whether the complainant was supposed to be there until the police came to serve the order of protection.

Mr. Flagg stated that there is a memory card in the tasers that counts the number of times the taser is used. Chairman Allen confirmed that it was in the report that the taser was used four (4) times and one (1) of them was a test.

Anthony Potenza moved to concur with the OPS findings on all five (5) allegations. Andrew Phelan seconded the motion. The motion carried by a vote of 5-1 with Mr. Paneto voting against the motion. Mr. Paneto stated that he voted against the motion because he was not sure if the complainant was removed from his own residence.

B. Appointment of New Members to the Committee on Complaint Review for February 2009

The following Board members were appointed to the Committee on Complaint Review for February 2009: Chairman Jason Allen, Ronald Flagg, John Paneto, Andrew Phelan, Jr., Anthony Potenza, and Reverend Edward Smart.

C. Committee/Task Force Reports

By-Laws and Rules

Committee Chairman Jason Allen noted that he had nothing new to report.

Community Outreach

Chairman Jason Allen stated there is a schedule of upcoming outreach meetings in tonight's meeting packets. Chairman Allen reported that the committee has three (3) upcoming outreach meetings scheduled. The committee is scheduled to meet with the NAACP board on January 13th, the NYCLU on January 28th, and the Capital District Gay and Lesbian Council on February 4th.

Chairman Allen reported that the Board continues to reach out to people who have issues with members of the APD and ask for complaint forms but do not file the complaints. Chairman Allen noted he has not been updated since the last meeting. Chairman Allen asked Coordinator of the Board Sharmaine Moseley for an update of the grievance forms received at the Government Law Center (GLC). Ms. Moseley replied that the GLC reached out to 61 individuals, and as a result, twelve (12) complaints were filed. Chairman Allen summarized that the Board reached out to 61 people who contacted the police department and potentially had an issue, and (twelve) 12 of them resulted in complaints.

Chairman Allen reported that there is a draft press release in the works that should be released to the media within a week or two. Chairman Allen added that if there are any concerns or if anyone would like to view it before it is released to let Ms. Moseley or him know.

Mediation

Committee Chairman Jason Allen reported that the Board met with the Common Council's Public Safety Committee about a month ago. At that meeting, the Board expressed concern with the lack of progress on the mediation program moving forward, and the members of the Public Safety Committee were going to look into it. Deputy Chief Reilly stated that he did not have any input on the status of the mediation program.

Police Department Liaison

Chairman Jason Allen noted that Committee Chairman Daniel Fitzgerald was not present at the meeting. He added that the Board wants to follow-up with the early warning discussion. Chairman Allen noted that the policy is in the works for the video cameras and the early warning system. He asked Deputy Chief Reilly if those items will be in place this month. Deputy Chief Reilly replied that he has to talk to the Chief. The Chief wants to have a meeting about it. Deputy Chief Reilly added that he did not have any

new information yet, except what he will address later in the meeting. Chairman Allen stated that the Board is excited to see the early warning system in action, and the Board would like to see how the system, within the policy, is going to work for them and the outputs they will get from it.

Public Official Liaison

Committee Chairman Ronald Flagg noted that they had a meeting with the Public Safety Committee of the Common Council on December 2nd which he felt was a very positive meeting where the Board gave an update of its initiatives of the year. Mr. Flagg stated that he did not think that they had any substantive questions. They offered to assist the Board with mediation if they could in any way. Mr. Flagg further stated that he felt that it was a good meeting.

Chairman Allen stated that they reiterated the four points the Board made in early 2008 with them: (1) early warning; (2) notifying potential complainants; (3) video and audio in patrol cars; and (4) mediation. Chairman Allen further stated that the Board continues to have an interest and has seen some great successes on three (3) of the four (4) points. Chairman Allen asked Deputy Chief Reilly when he thinks the video cameras will be installed and functional. Deputy Chief Reilly answered that he did not have a specific date, but he believed that the Chief intended to address it.

Task Force on Monitors

Chairman Jason Allen noted there was nothing new to report. Chairman Allen mentioned that he was encouraged to see the monitor on his case was present when the complainant was interviewed at the OPS.

D. Nominations for Elected Board Officer Positions

Chairman Jason Allen stated that he had been the Chair of the Board for approximately one and a half terms and has enjoyed being the Chair. He further stated that, looking ahead to 2009, he foresees some changes coming up in his life and based on all the competing demands and soon-to-come changes in his life, he would like to open the floor to anyone who would be interested in being Chair. Chairman Allen stated that he would be okay with being Vice-Chair. He further stated that he did not wish to leave the Board, but he felt comfortable with someone else being Chair and will offer all the assistance that he could to that person. Chairman Allen stated that he wants to have a clear conscience that he could give 100 percent to Board duties all the time but he is not confident that he could do that in 2009. Andrew Phelan asked Chairman Allen if he could stay on for half a year and revisit this during the summer. Mr. Phelan noted that he feels that Chairman Allen has done a great job and would like to vote for him again if he would take the nomination. Chairman Allen reiterated that he would not be leaving the Board and would be there to assist whoever did take the position. He works in Schenectady. It is difficult for him to travel to Albany at the end of the workday, and he did not want to short change the Board as Chair. Mr. Phelan stated that he did not feel

that Chairman Allen would be short changing the Board. Mr. Phelan added that he believed that he was speaking on the behalf of the rest of the Board. Mr. Phelan asked Chairman Allen to please reconsider. Chairman Allen accepted Mr. Phelan's statement as a compromise and noted they will revisit this in the summer.

Chairman Allen reported that current Vice-Chair Fowler Riddick is leaving the Board because he has moved outside of the City of Albany, but he will stay on until his replacement, Marilyn Hammond, is on the Board. Chairman Allen further reported that Ms. Hammond previously served on the Board, and the Board is excited to have her back. Fowler Riddick nominated Ronald Flagg for Vice-Chair noting that Mr. Flagg has been on the Board for approximately four (4) years. Ronald Flagg stated that his only concern was that he has retired for the second time and has been trying to convince his wife to retire this year, as well. Mr. Flagg further stated that he wanted to make sure that he is similarly committed to the Board as Chairman Allen is and that he did not want to make a commitment that he will not be able to keep. Mr. Flagg stated that he knows that there are going to be blocks of time, weeks at a time, where he will not be in Albany. Mr. Flagg further stated that between him and Chairman Allen they could hopefully make sure that someone is present to run the Board meetings. Mr. Flagg accepted the nomination under those conditions.

Chairman Allen noted that the current Secretary is now on the slate for Vice-Chair, so the Board is open to nominations for Secretary. Mr. Flagg explained that being the Secretary entails signing the minutes of the Board meetings which Ms. Moseley transcribes. Chairman Allen asked for a volunteer. Andrew Phelan volunteered to take the position of Secretary.

E. Committee/Task Force Chair Elections

Chairman Jason Allen noted that he was okay remaining as the chair of the By-Laws and Rules Committee and the Mediation Committee. Chairman Allen further noted that Reverend Smart is the chair of the Community Outreach committee and Andrew Phelan is the chair of the Complaint Review Committee.

Chairman Allen noted that Daniel Fitzgerald expressed an interest in discontinuing his position as chair of the Police Department Liaison/Policy Review subcommittee. Chairman Allen asked if anyone was interested in chairing this committee. Chairman Allen explained that the chair of this committee would be responsible for being able to work with the police department and having the ability to influence policy as the Board's liaison. Chairman Allen stated that this is a very influential, important, and impactful role on the Board. Ronald Flagg stated that he would be chair of the committee if no one else was interested, as well as continuing to chair the Public Official Liaison committee. Chairman Allen stated that they will keep the Monitor Task Force as one of the Board's committees, because there is a procedural guideline the committee is working on and they will continue to exercise it to ensure that the relationship between the monitors and the APD continues.

Chairman Jason Allen noted that the only change he was making to the revision from December 10th was that he was crossing off Daniel Fitzgerald's name and listing Andrew Phelan as chair of the Police Department Liaison committee. Chairman Jason Allen moved to approve the revision of the committee/task force list. Ronald Flagg seconded the motion. The motion carried unanimously.

F. Report from the Government Law Center

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

Complainant Inventory as of Date of Meeting

It was reported that the Board reviewed ten (10) complaints at tonight's meeting and closed nine (9) of them, which leaves the Board with fifty-one (51) active complaints. Out of those fifty-one (51) active complaints nineteen (19) are ready to go to the agenda for review.

It was further reported that two hundred and 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 and fifty-nine (359).

It was reported that the Board received six (6) grievance forms since its last meeting. The total number of grievance forms received to date is sixty-one (61). In response to the GLC's outreach to all sixty-one (61) individuals, the GLC have received twelve (12) CPRB complaint forms.

Business Cards

Sharmaine Moseley asked the Board for feedback on whether or not to purchase business cards. Chairman Jason Allen replied that he had never had the opportunity to offer a business card to anyone. He asked Ms. Moseley what the business cards might cost. Ronald Flagg noted that Reverend Smart anticipated going to the conference and if he was going to be at the conference he would be able to hand the business cards to other conference attendees. Mr. Flagg added that he has never had a reason to give out a CPRB business card. Chairman Allen stated that they do have outreach meetings and he would prefer to hand the CPRB business card out rather than his own professional business card. Costs and quantities of the business cards were discussed. Chairman Allen stated that he felt that ordering the business cards would be the right thing to do. It was decided that Board members Ronald Flagg, Jason Allen, Anthony Potenza, Reverend Smart, and Andrew Phelan will receive business cards.

Board Vacancies/Re-appointments

It was reported that in regard to the two Board vacancies and re-appointments, former CPRB member Marilyn Hammond has been appointed to the Board by the Mayor to fill

the vacancy left by Board member Fowler Riddick. Next week, Ms. Hammond will be undergoing a refresher training orientation at the GLC and at the OPS.

Next Board Meeting

It was reported that because of the backlog of complaints another meeting was being scheduled for Monday, January 26, 2009. The backlog was due to a previous meeting being canceled because of snow. Chairman Allen noted that he would hold the date until it's confirmed whether or not the Board has a quorum.

G. Report from the Office of Professional Standards

Deputy Chief Stephen Reilly stated that by the next Board meeting he intend to have the OPS' annual report for the Board. Deputy Chief Reilly reported that information is being entered into the IA Pro which is the early intervention/early warning software program. Deputy Chief Reilly explained that, like with any new software program, there are some bugs being worked out. Deputy Chief Reilly stated that Chief James Tuffey plans to speak with the Board in regard to IA Pro to provide a detailed description of what it provides and what it could provide for the Board. The OPS is diligently working at getting the cases thoroughly investigated and forwarded to the Board, as quickly and accurately as possible.

Chairman Jason Allen commented that the number of cases ready for review by the Board show that a lot of cases are being taken care of right now. He noted that after a couple of months of doing this, OPS knows that, per the Board's statute, cases should go to the Board within sixty (60) days and that needs to be revisited. Deputy Chief Reilly stated that they have a program that lets them know if that deadline is not being met. If they are not meeting that deadline, then it is possible that that 60 day deadline is not realistic and they would need to look at a more realistic time frame. Chairman Allen stated that this is one of the few times the Board has seen such a backlog waiting for them. Chairman Allen thanked Deputy Chief Reilly for all his effort in getting the cases to the Board.

H. Report from the Chair

Chairman Allen reported that this might be Board member Fowler Riddick's last meeting. He thanked Mr. Riddick for his service to the Board and all the work he did in his role as Vice-Chair of the Board. Fowler Riddick stated that he enjoyed working for the Board, and it kept him busy.

V. Public Comment

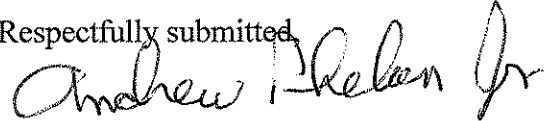
There was a question from a complainant who filed a complaint in February of last year. The complainant noted that he missed the beginning of the meeting and was not sure whether his case was called or not. Detective Kathy Hendrick stated that the complainant's case was heard earlier in the meeting. It was then confirmed that the

complainant will receive something in the mail regarding what was decided at the meeting. Chairman Allen told the complainant that he and John Paneto could fill him in on what was decided after the meeting adjourned.

VI. Adjournment

Ronald Flagg moved to adjourn the meeting. Fowler Riddick seconded the motion for adjournment. The motion carried unanimously. The meeting adjourned at 7:35 p.m.

Respectfully submitted,

A handwritten signature in cursive script that reads "Andrew Phelan Jr".

Andrew Phelan, Jr.
Secretary