

**City of Albany**  
**Citizens' Police Review Board Public Meeting**  
**80 New Scotland Ave-Dean Alexander Moot Court Room**  
**October 22, 2009**  
**6:00 p.m. -8:00 p.m.**

**Present:** Jason Allen, Jean Gannon, John Paneto, Anthony Potenza and Reverend Edward Smart.

**Absent:** Ronald Flagg, Marilyn Hammond, and Andrew Phelan, Jr.

**I. Call to Order and Roll Call**

Chairman Jason Allen called the meeting to order at 6:10 p.m.

**II. Approval of the Agenda**

The agenda was reviewed. Chairman Jason Allen noted that Marilyn Hammond has the last case on the agenda and was not yet present. Anthony Potenza moved to approve the agenda. Reverend Edward Smart seconded the motion. The motion carried unanimously.

**III. Approval of the March 12, 2009 Meeting Minutes**

The March 12, 2009 meeting minutes were reviewed. Jean Gannon moved to approve the meeting minutes. John Paneto seconded the motion. The motion carried unanimously.

**IV. New Business**

*A. New Complaints*

**1. New Complaints Received Since September 10, 2009 Meeting**

Chairman Jason Allen reported that five (5) new complaints had been received by the Board since its September 10, 2009 meeting. Chairman Allen read a summary of each new complaint.

**CPRB No. 41-09**

The complainant alleged that when she went to the scene of her son's car accident that the officer was extremely agitated and very rude. The complainant's son was lying on the floor being examined by EMTs. When the officer went over and started searching the complainant's son's pockets for his wallet, the EMT told the officer to stop. The officer did not listen and continued searching the complainant's son's pockets. All this time the complainant's son was yelling out in pain, "It's in the car, it's in the car." The complainant yelled at the officer to

“Stop touching him, what in God’s name do you think you are doing?” The complainant told the officer that her son always kept his wallet in the door of any car he was driving. The officer told the complainant “You are full of s\*\*t.” He went over to the car, and sure enough there was the wallet in the driver’s door. The complainant told the officer that she would pull out the license, but the officer simply refused to give the complainant the wallet. Additionally, the complainant alleged that the officer repeatedly accused her son of not wearing a seatbelt while both the complainant’s son and passengers repeatedly denied this allegation. The complainant told the officer that her son is OCD and would never ride a vehicle without a seatbelt. The officer continued to yell that he had over 18 years of experience on this job and that he knew when somebody was not wearing his seatbelt. The officer went into the complainant’s son’s hospital room and gave him a no seatbelt ticket. The doctors documented the bruises on the complainant’s shoulder and lower stomach from the seatbelt. The seatbelt was adjusted too high which caused it to slide down the complainant’s son’s shoulder and his torso went forward from the impact and hit the steering wheel. The complainant further alleged that the officer mistreated the fellow passengers in her son’s car, one of them who was clearly disabled. The complainant felt that she and her son were being treated worse than criminals rather than the victims of a car accident.

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

#### **CPRB No. 42-09**

The complainant alleged that on May 29, 2009, officers unlawfully detained him. The complainant was walking to his aunt’s house when an officer pulled over, began questioning the complainant, and searched the complainant and the complainant’s backpack. The officer allegedly stated “We can do this the easy way or the hard way. You can go down with us willingly, or I’ll arrest you for hindering an investigation. You have a choice.” According to the complainant, he went with the officers willingly because the complainant believed that he would be released because he had done nothing wrong. The complainant was brought to the station where he was detained for three (3) hours and questioned about a burglary, which the complainant denied any involvement. The complainant alleged that his photograph and DNA were taken under duress.

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

#### **CPRB No. 43-09**

The complainant alleged that an officer lied on the witness stand saying that there was a sign that said “No Parking on Corner of Quail and Western Ave.” The complainant was given a ticket for parking at a fire hydrant when in fact it was the officer who was parked in front of the hydrant to get something to eat with the officer’s colleague. According to the complainant, he was parked behind the

officer. Then the officer claimed that there was a sign that stated, "No Parking on Corner." The complainant believed that the officer abused the system and would like his ticket dropped.

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

**CPRB No. 44-09**

The complainant alleged that she received a phone call from her nine-year-old son that there were strange men in her home. The complainant rushed home to find two (2) APD detectives inside the complainant's home. The officers had handcuffed an acquaintance of the complainant. The complainant alleged that her civil rights were violated and that the officers abused their authority in entering and searching her home without a warrant. The complainant further alleged that the officers staked out her home and purposefully waited until the complainant had left in order to enter.

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

**CPRB No. 45-09**

The complainant alleged that as she left her friend's house after a party, two (2) Albany Police Department (APD) officers pulled up, grabbed the complainant by her arm, threw the complainant to the ground, and kned her in the side. The officers accused the complainant of being on private property. The complainant's friend came out and explained that this was her property, and the complainant was not trespassing. The complainant further alleged that the officers took the complainant's index finger and pulled it back. The complainant alleged that the officers stole \$17.00 when they took her wallet out of her back pocket while searching for ID. According to the complaint, the complainant was never arrested.

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

2. New Complaints for Review

**CPRB No. 66-08/ OPS No. C08-405** (Presented by Reverend Edward Smart)

Reverend Edward Smart read the complaint verbatim. The complainant alleged that she was inappropriately touched by an unknown male while waiting for the bus and called the police who never came. The complainant left the scene and went to a residence on the SUNY campus. She called the station with follow-up calls attempting to find out if any officers were sent to the call and how she could go about filing a report. She further alleged that when she contacted the Office of Professional Standards (OPS) to find out the names of the dispatchers, she was told that the detective did not want to release that information because he was not

sure if it was in fact that particular dispatcher. The complainant claimed that in late July she spoke with an OPS detective and inquired who the dispatcher was and the detective's response was snide. The detective's attitude was condescending, and she would cut the complainant off and ask if she was going to file a complaint.

Reverend Smart reported that he reviewed the following documents: the citizen's complaint report, the citizen's complaint form, a confidential report that was dated September 8, 2009, intra-departmental correspondence (IDC) that was dated August 11, 2009, August 10, 2009, July 23, 2009 and July 21, 2009 as well as an SIR No. 08218428 that was dated June 27, 2008, a call log from June 22, 2008 that was updated on June 26, 2009, a call log dated June 26, 2009, and registered mail receipts that was dated September 3, 2008 and June 27, 2008.

Reverend Smart summarized the OPS finding regarding the first call handling allegation, where the complainant alleged that she called the Albany Police Department, and they did not respond. Reverend Smart reported that the OPS recommended that this portion of the investigation be closed as ***unfounded***, where the review showed that the act or acts of the complaint did not occur. Based on the OPS investigation, the 911 call was made on a cell phone and called in to the State Police Center and transferred to the Albany Police Department Communications Center. The recorded call was received at 21:08 hours and entered as an annoying person. The remarks indicated a suspect description. The caller stated that the suspect touched the complainant inappropriately and ran from the scene. The Albany Police Department did respond and arrived at the scene to find that the complainant had left the scene and was unable to be located. Reverend Smart noted that the Albany Police Department call logs and IDCs confirmed that the APD responded when dispatched and upon arrival at the scene the complainant could not be located. Reverend Smart stated that he agreed with the OPS finding of ***unfounded***.

Reverend Smart summarized the OPS finding regarding the second call handling allegation where the complainant alleged that the response time by the APD was inappropriate. Reverend Smart reported that the OPS recommended that this portion of the investigation be closed as ***sustained***, where the review disclosed sufficient facts to prove the allegation made in the complaint. Based on the OPS investigation, the amount of time that it took the officers to respond was not acceptable. This call was held for forty-five (45) minutes before a unit was dispatched. Although there were several incidents that occurred during that time which required the use of one or more units, this call should not have been held for the length of time that it was. The communication policy for Priority Two (2) calls, which this particular call was categorized as, indicated that this call should not have been held for more than five (5) minutes without a valid explanation as to why it was held. There was no explanation as to why this call was held.

Reverend Smart stated that although he agreed with the OPS investigation, he suggested a determination of *no finding*, where the investigation revealed that another agency was responsible for the complaint. Part Thirty Three (33) of the Citizens' Police Review Board Article XLIV General Provision 42332 authorized the Citizens' Police Review Board as an independent review body with respect to the misconduct of officers of the Albany Police Department. Communication centers and dispatchers are not members of the APD. The 911 call was not delayed or held by an APD officer, but by an unnamed dispatcher. The APD's various units cannot respond to a call until called upon to do so. There was no explanation why this call was held, but the APD and its officers were not responsible for the delay.

Reverend Smart summarized the OPS finding regarding the violation of conduct standards allegation, where the complaint alleged that an OPS detective was rude when speaking with the complainant. Reverend Smart reported that the OPS recommended that this portion of the investigation be closed as *unfounded*. Based on the OPS investigation, the complainant called the OPS on August 1, 2009 wanting to know how long she had to file her complaint and who the dispatcher was. The detective advised the complainant that the sooner she filed the complaint the easier it is for the OPS to conduct the investigation. The OPS detective further advised the complainant that she did not know who took the call, because the call taker's name listed on the call ticket may not be the person that the complainant spoke with. When a dispatcher takes a break for whatever reason that person is relieved of that position and another dispatcher fills in that position until the first person returns. In this particular case, that did not occur. However, the OPS would not know that for certain until an investigation is conducted, and a review is made of the telephone and radio recordings. The OPS detective asked the complainant if she was going to file a complaint. This had not been the only phone call by the complainant regarding this matter. The OPS received prior phone calls from the complainant. The OPS sent letters and complaint forms to the complainant and asked the complainant to contact the OPS detective. The OPS detective asked the complainant if she was going to file a complaint, because of the previous phone calls the complainant made to the OPS. The OPS detective attempted to assist the complainant as well as sending her two complaint forms as she requested. The OPS detective kept the file open and waited for the complainant to file the complaint so she could begin an investigation. As the complainant indicated, if she did not wish to pursue a complaint then the file would have been closed.

Reverend Smart stated that he concurred with the OPS finding of *unfounded*, where the review showed that the acts or actions did not occur. While there was evidence to sustain the allegation, Reverend Smart stated that he was compelled to concur with those who are in authority and those who are the ambassadors for our city. Reverend Smart stated that we all have a responsibility to respect one another, always conduct ourselves properly, and hold each other to a higher standard.

Jean Gannon asked if on the third allegation of the violation of conduct standards the Board needed to consider if it was appropriate for the OPS to investigate complaints against the OPS detectives because the policy manual stated nothing regarding this. Ms. Gannon asked if the OPS detective who wrote the report was the detective who the complainant's allegations were about. Reverend Smart stated that he agreed with Ms. Gannon's suggestion. Chairman Allen stated that even if an outside body was brought in to investigate the complaint, it would still be problematic because there were no witnesses. John Paneto stated that he was unclear why the complainant called from SUNY. Reverend Smart stated that when the complainant called 911 she got the state police. The state police called the Albany Communication Command Center. Reverend Smart stated that he believed the problem was that the complainant went home, perhaps in fear, but the phone call was made from a cell phone. In making the call from her cell phone, the APD found out that it was not a 518 area code. They had no idea how to get to the complainant. Reverend Smart stated that one of his suggestions was for the dispatchers to be required to ask for the area code. Chairman Allen stated that he thought that all phones had GPS now, and the dispatchers could tell the location of the phone. Mr. Paneto replied that he works in a state office building, and that is not the case with 911 phone calls. However, Mr. Paneto stated that the state police received funding to fix this problem.

Reverend Smart stated that although he agreed with the complainant regarding the length of time allegation, it was not an APD problem but rather a dispatcher problem. The Board cannot review something that was not done by an APD officer. Chairman Allen stated that the first two allegations were closely intertwined. The officers did not come at first and then when they arrived they took too long. Reverend Smart stated that the call was held by the Albany dispatcher. Once the police department was called, the officers responded immediately. By that time, the complainant had left the scene. Reverend Smart stated that the officer called the dispatcher back and informed the dispatcher that the complainant was not at the scene. The dispatcher or someone else then called the number but the number was not a 518 number. Chairman Allen reiterated that forty-five (45) minutes is a long time.

Chairman Allen stated that while the Board has jurisdiction over the APD, the Board could address this case because it is a systemic issue. Chairman Allen stated that fortunately there was no further harm done. The bottom line was that the complainant's allegation took too long.

Chairman Allen acknowledged that the complainant was present. He asked the complainant if she had anything to add. The complainant stated that when she called 911 it took over 30 seconds for them to answer her call. The complainant further stated that the two dispatchers told her they were going to send someone immediately. The complainant stated that she specifically told the dispatchers that it was a sexual assault. The complainant explained that she fought the guy

off, and it was a violent sexual assault. The complainant stated she waited at the location for 10-15 minutes and then left because she did not feel safe. She went home and called 911 again. That was when she found out that the call had not even been dispatched, and no one had an answer as to why. The complainant stated that this conversation took place 45 minutes after the attack had occurred. The dispatcher told the complainant they would send someone to the scene even though they knew the complainant was now at home. The officer should not have said that the complainant was not at the scene of the crime because they should have already known that.

Chairman Allen reiterated to the complainant that her allegation that the response time was too long was **sustained**. Chairman Allen asked OPS Commander Ronald Matos if there was an explanation. Commander Matos stated that there was no explanation for the delay. The OPS looked into the volume of calls for that night. The delay was nothing that could be excused. Reverend Smart stated that he agreed that the time was too long but that the Board's jurisdiction is not over the dispatchers. Chairman Allen agreed, but asked whether something was being done to prevent this from happening again. Commander Matos stated that the OPS could investigate the communications command center and that the dispatchers do have a standard operating procedure that is expected to be adhered to. Chairman Allen asked if it was a failure on behalf of an individual or a system issue. Commander Matos stated that they receive the call, and then an individual places it into a computerized system where it sits waiting for a dispatcher to send it out. Commander Matos further stated that the call taker was not always the one who dispatches the call to the officer so it was an individual problem.

The complainant stated that when she called, the dispatcher said that the sexual assault was a Priority 1 and should have been dispatched immediately. The complainant further stated that she was not sure why on paper it says it was a Priority 2 call. Chairman Allen replied that the person who initially took the complainant's call made a mistake, and the SOP was not followed.

The complainant stated that she felt insecure. The dispatchers did not fulfill their duty. She further stated that this was not a small incident that occurred. She quit her job because she used the bus stop all the time, and the perpetrator could easily come back or even sit next to her on the bus. The complainant stated that she had spoken with an officer from another area who had asked her if she had been given any pictures of offenders in the area. The APD did not give her any pictures to look at. The complainant stated that her complaint was not taken seriously. As a result, there was a sexual offender running around in the streets. The complainant stated that she is 5'3", and weighed 105 pounds and the attacker was 5'10", and weighed 180 pounds, and she no longer felt safe walking around the streets or using public transportation.

Chairman Allen asked whether the APD could write an apology letter to the complainant. Reverend Edward Smart stated that he had two recommendations

that should be made. The dispatchers should be served notice about the incident and the time that it took place and that there needs to be additional training for dispatchers so that they will ask for area codes when someone calls in.

Ms. Gannon asked Reverend Smart when the complainant called and told the state police that it was a sexual assault, was it a failing on the part of the state police in not relaying the information accurately to the APD. Ms. Gannon also asked how the call was changed from a category one (1) priority to a category two (2) priority. Reverend Smart stated that he was able to determine that the call came in as a category two (2) priority. Ms. Gannon stated that if it came to the APD as a category two (2) priority, was the issue the translation from the state police, or from the dispatcher? Ms. Gannon further stated that she wanted to identify exactly where the mistake was made.

Chairman Allen stated that the Board should send a letter to the APD asking them to explain where the breakdown occurred, how they are preventing this from happening again, and has there been a quality control review of dispatchers.

Ms. Gannon asked whether they need to do a review. Was this a one-time incident, or was this a common problem that complaints are misidentified by dispatchers? Ms. Gannon asked whether there was a quality control review of dispatchers.

Commander Matos replied that it is common practice to listen to calls and look into call handling made in the field, but that they do not conduct annual audits.

Chairman Allen asked if a complaint had not been filed, would it have been noticed that it took 45 minutes to dispatch an officer. Commander Matos replied that sometimes supervisors will see calls pending that are flashing with different priorities. If a supervisor sees a call flashing for a while, they will sometimes ask the dispatcher why it has not been dispatched so there is some oversight.

Jean Gannon asked if it was a failure on the part of the supervisor to not see a priority two (2) call flashing. Commander Matos stated that it would depend on the call volume.

Chairman Allen stated that the letter would inquire if there is a dispatcher audit in place. He stated that this allegation was very serious and he was glad that the complainant was unharmed.

The complainant stated that the Albany dispatcher was patched into the call the complainant made when she dialed 911 so the Albany dispatcher specifically took the call. The complainant further stated that she did not think it was a problem with 911 mistranslating the call because they were both on the line.



Reverend Smart asked if the OPS had any jurisdiction over the dispatchers. Commander Matos replied in the affirmative. The OPS could conduct investigations, make recommendations, and discipline dispatchers. Chairman Allen noted that the dispatchers also report to the Chief of Police. Commander Matos stated that if a letter was directed to the Chief of Police, the Chief would have the power to look into their practices.

Chairman Allen stated that the OPS conducted an investigation that the board agreed with. The board would ask the chief what was being done to prevent this, where did the failure occur, and how were they measuring statistics.

The complainant stated that when she called again, the dispatcher repeated her phone number to her. The complainant further stated that she gave the dispatcher her area code and that the dispatcher repeated her phone number with the area code. Reverend Smart stated that the records did not show that they had the area code with the phone number. The complainant stated that she did give her area code to the dispatcher.

Chairman Allen stated that the Board would draft a letter within the next week and follow up with the complainant to get answers to these questions.

The complainant stated that she was a dispatcher for a company that had a more advanced technology system than the APD. The complainant further stated that the maximum time to complete an investigation is 60 days but this has taken over a year.

Chairman Allen thanked the complainant for filing her complaint and said that the Board would follow up.

Reverend Edward Smart moved to concur with the OPS finding of *unfounded* for the first call handling allegation. Chairman Jason Allen seconded the motion. The motion carried unanimously.

Reverend Edward Smart moved to concur with the OPS finding of *sustained* for the second call handling allegation. Anthony Potenza seconded the motion. The motion carried unanimously.

Reverend Edward Smart moved to concur with the OPS finding of *unfounded* for the violation of conduct standards allegation. Chairman Jason Allen seconded the motion. The motion carried unanimously.

**CPRB No. 24-09/OPS No. CC2009-042** (Presented by John Paneto)

John Paneto stated that CPRB No. 24-09, CPRB No. 25-09 and CPRB No. 26-09 were from the same complainant. Mr. Paneto reported that the complainant alleged that an Albany police officer was following him. Mr. Paneto stated that

this is a statement of fact and that the officer was on bike patrol on a duty shift from 2 p.m. to 10 p.m. Mr. Paneto summarized the OPS finding where the complainant observed the officer several times and saw the officer talking on a cell phone but they had no contact, as **unfounded**. Based on the OPS investigation, the fact that the complainant saw the officer on a phone near his store did not justify the allegation that the officer was harassing the complainant. The officer was assigned to cover the area where the complainant lives.

John Paneto moved to concur with the OPS finding of **unfounded**. Chairman Jason Allen seconded the motion. The motion carried unanimously.

**CPRB No. 25-09/OPS No. CC2009-050** (Presented by John Paneto)

John Paneto stated that the complainant alleged a violation of conduct standards when an Albany Police Officer was joking while a Common Council member spoke at an Albany Common Council meeting. Based on the OPS investigation, there was no police misconduct or violations found.

John Paneto moved to concur with the OPS finding of **no finding**. Chairman Jason Allen seconded the motion. The motion carried unanimously.

**CPRB No. 26-09/OPS No. CC2009-050** (Presented by John Paneto)

John Paneto stated that the complainant was concerned that due to police corruption the Chief of Police should not take vacation. Based on the OPS investigation, vacation use did not classify as police misconduct.

John Paneto moved to concur with the OPS finding of **no finding**. Chairman Jason Allen seconded the motion. The motion carried unanimously.

John Paneto read his personal statement for the record:

*My intent in this review, and I'm sorry the gentlemen left, was not to disrespect the complainant, however, I must acknowledge up front that my comments may indeed seem disrespectful. My overall goal is to conduct honest yet critical review of the information or issue presented by the complainant. I am also concerned that the allegations by the complainant may have some policy issues with the Board. By this, I am directly referring to the issue of the filing of malicious and frivolous complaints. Also, from an outreach perspective, I'm concerned that the decisions by the Board should take into account that various populations of the City of Albany, thus, I will use select words in my English language that can be easily translated into Spanish as a Hispanic member of the Board. I am using this approach to ensure that the Board has some knowledge that there are underlying communication issues at play, as you just witnessed. A bi-lingual, bi-cultural review is needed to ensure clarity by the Board. Further, for the record, this complainant has filed four (4) complaints previously. This*

*adds up to a total seven (7) to date. In summary, it is generally understood that we all have opinions and/or concerns about Albany Police Department operations and encounters with our citizens. However, opinions of those disgruntled citizens do not rise to the level of police misconduct while adequate proof, documentation or identification of the damage that may have occurred must be clearly identified. Furthermore, it is my contention that these allegations may fall under the category of frivolous complaints. The CPRB mission is to review those police operations or encounters that may indicate police misconduct. The allegations submitted by the complainant clearly do not establish police misconduct. The official record and my review here have clearly established without a doubt that the allegations have no foundation or in Spanish sin fondo and no damage, sin daño occurred against the complainant.*

Mr. Paneto stated that those were his comments regarding all the complaints. Mr. Paneto further stated that in Salt Lake City, Utah, frivolous complaints are handled as a misdemeanor and are subject to 30 days in jail.

Chairman Allen stated that although he did not disagree with Mr. Paneto's comments, he did not think that this one instance was sufficient to start doing something like Salt Lake City.

#### **CPRB No. 34-09/OPS No. C09-062**

Chairman Jason Allen stated that Marilyn Hammond was not present; therefore, this complaint would not be reviewed at tonight's meeting.

#### ***B. Appointment of New Members to the Committee on Complaint Review for November 2009***

The following Board members were appointed to the Committee on Complaint Review for November 2009: Jason Allen, Jean Gannon, Anthony Potenza, and Reverend Smart.

Chairman Jason Allen stated that they would poll the Board to ensure a quorum for the November 2009 meeting.

#### ***C. Committee/Task Force Reports***

##### **By-Laws and Rules**

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

##### **Community Outreach**

Committee Chairman Reverend Edward Smart reported that the Committee had not been scheduled to participate in outreach meetings for the last thirty (30) days

but are ready to do so. Chairman Allen asked if they were still sending out board meeting notifications to neighborhood associations. Reverend Smart replied in the affirmative. Chairman Allen stated that he owed a follow-up meeting with the NAACP.

The Board agreed to draft a list of groups to meet with for outreach.

#### Mediation

Commander Matos stated that there was no update since the last meeting.

#### Policy Review Recommendations

Chairman Jason Allen stated that Committee Chairman Andrew Phelan was not present to report. Chairman Allen stated that he had heard about an announcement about cameras in police vehicles but would wait for Commander Matos' report.

#### Public Official Liaison

Chairman Jason Allen stated that Committee Chairman Ronald Flagg was not present to report. Chairman Allen stated that he wanted to meet with the Deputy Mayor and the Public Safety Committee after the elections but before Christmas.

#### Task Force on Monitors

Task Force Chairperson Jean Gannon stated Coordinator of the Board Sharmaine Moseley may have something new to report.

#### *D. Report from the Government Law Center*

Government Law Center (GLC) 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 fifty (50) active complaints before the Board for review. Of those fifty (50) active complaints four (4) were reviewed at tonight's meeting, which leaves the Board with forty-six (46) active complaints. Out of those forty-six (46) active complaints, five (5) are ready to go to the agenda for review.

It was further reported that three hundred and forty-five (345) complaints have been closed. Since last month's meeting, five (5) additional complaints have been suspended from review. The total number of complaints that are suspended from

review is now eleven (11). The total number of complaints filed to date is four hundred and two (402).

It was reported that there was an APD Grievance Form Chart in the Board members' packets. Since the last meeting the GLC received five (5) grievance forms. The total number of grievance forms received to date is one hundred and eight (108). In response to the GLC's outreach to all one hundred and eight (108) individuals, the GLC has received twenty-seven (27) CPRB complaint forms.

Chairman Jason Allen asked Ms. Moseley why some individuals file complaints and some do not. Ms. Moseley replied that it is difficult to tell because some people say they are going to file a complaint and then never follow through. Ms. Moseley stated that since the last meeting the GLC received five (5) grievance forms out of which two (2) complaint forms were filed.

Reverend Edward Smart asked what the Board could do to expedite reducing the case load. Chairman Allen stated that the Board reviewed a complaint that took a year to investigate. He further stated that he has mentioned repeatedly to APD leadership that sixty (60) days is the goal and asked if they need to change the goal, or work faster. It's a credibility issue. Commander Matos stated that it can take time to gather all of the witnesses which makes it difficult to complete an investigation in sixty (60) days. It's something that the APD would research.

Chairman Allen stated if the APD came to the Board and said that they needed a longer timeline, the Board would be flexible because they need to work together. Commander Matos agreed with Chairman Allen.

John Paneto stated that the Board should have a triage system in handling complaints. Mr. Paneto stated that complaints that are privileged, non-jurisdictional, not overly specific or non-statutory can be dismissed within thirty (30) days because they do not have to go to the Board. Ms. Moseley stated that they do have a lot of complaints like that, but if they are on a complaint form, the OPS must investigate them. Mr. Paneto stated that they could change the rules so that the complaint will be dismissed at a lower level. Mr. Paneto further stated that there should be a meeting where the Board only handles complaints. Mr. Paneto also stated that the Board should not read the new complaints at the beginning of the meeting. Reverend Edward Smart stated that handling just cases at a meeting, specifically cases that do not require a monitor, is a good idea.

Chairman Allen stated that there are currently only five (5) complaints ready to review. Chairman Allen stated further that there have been benefits to reading the complaints at the beginning of the meeting. Chairman Allen requested that the complaint summaries be shorter. Ms. Moseley stated that it's difficult to pull out the allegations, but we make them as short as possible. Jean Gannon asked if the Board member reading the summary could provide a synopsis of the complaint. Chairman Allen stated the Board would wait to decide on that.

Chairman Allen asked Ms. Moseley if she had insight as to why people do not file complaints. Ms. Moseley responded that she does not.

#### CPRB Monitors

It was reported that last month the GLC staff along with Vice-Chairman Ronald Flagg interviewed ten (10) possible monitors. Out of those ten (10) monitors, the interview committee selected five (5) to serve as monitors for the Board. Their experience ranged from several years of investigative work to working for state agencies and the state police. Per the CPRB's legislation, the Mayor and the Common Council must approve the list of monitors before they can be hired. A letter, along with copies of the selected monitors' resumes was sent to both the Mayor and Common Council for approval.

#### Board Vacancies

It was reported that four (4) members of the Board are up for re-appointment. One of the four (4) members does not want to be considered for re-appointment. A letter was sent to the Mayor and the Common Council regarding the re-appointment of Jean Gannon and Reverend Edward Smart. The letter also requested that they fill the vacancy that will be left by Dan Fitzgerald and that will be left by John Paneto. The Board's Secretary, Andrew Phelan, has agreed to be considered for re-appointment for another term.

#### APD Ride-alongs

It was reported that earlier this month, Ms. Moseley sent an email to the Board regarding scheduling APD ride-alongs to take place before Thanksgiving. This would fulfill the Board's continuing education in police community relations requirement under the CPRB legislation. Chairman Jason Allen stated Jean Gannon completed hers. Chairman Allen requested that a reminder email be sent to the Board.

#### NACOLE

It was report stated that the NACOLE conference is scheduled to begin at the end of next week. It was further reported that Marilyn Hammond, Jean Gannon, and Ms. Moseley would be attending. Ms. Moseley stated that because she would be out of the office, the meeting packets for November would go out next week.

#### Center for Law and Justice

It was reported that the GLC was contacted by the Center for Law and Justice about a performance taking place at the Capital Repertory Theatre on Pearl Street.

It was further reported that the performance is free and they wanted to extend an invitation to the Board.

A representative from the Center for Law and Justice was acknowledged. She stated that the performance is about previously incarcerated men and women. She further stated that she has tickets with her if anyone was interested in attending. Chairman Jason Allen stated that he would like a ticket. Reverend Edward Smart stated that he was already getting two tickets.

#### Upcoming Meetings

It was reported that the next Public Official Liaison meeting with the Deputy Mayor is November 10, 2009 at 11 a.m. at City Hall. It was further reported that the GLC is still in the process of setting up the next meeting with the Common Council's Public Safety Committee. It was reported that the next Board meeting is scheduled for November 12, 2009 at Albany Law School.

Mr. Paneto stated that the Board meeting is in three (3) weeks and the wait to review the ready cases is resulting in a delay of the system.

#### *E. Report from the Office of Professional Standards*

Commander Ronald Matos reported that twenty-seven (27) cars have been completed with in-car camera updates. All of the five (5) day installs are complete. Commander Matos further reported that there are twenty (20) cars left that will require one (1) day installs. Commander Matos reported that the wireless access points they were having difficulty installing including the South Station, Center Station and Traffic are completed. They have been tested and are fully functional. Commander Matos stated that the company Insight is scheduled to have a conference call with Assistant Chief Tony Bruno and the computer technology unit on Monday to formulate a plan to bring in IT people to configure the server. Commander Matos stated that the Assistant Chief believes that the cameras would be fully operational in mid to late November. Commander Matos further stated that the SOP and training will come along with that. The training is scheduled for November. Chairman Jason Allen asked if the Board could see the SOP. Commander responded in the affirmative. Chairman Allen suggested that they do a joint press release.

Commander Matos reported that with respect to the Early Warning System, in the past month they conducted two (2) separate interventions brought on by citizen complaints. One was in response to a complaint that alleged the officer was rude. The second was a complaint where the complainant alleged that officers stopped and detained the complainant forcibly with no legitimate reason. Commander Matos stated that he met with the Commanders from the South and Center Stations and reviewed the officers' history. Commander Matos stated that the Commanders will forward the information to the line supervisor. The line

supervisor will meet with the officer to discuss what could be done to improve his/her conduct. Commander Matos further stated that the complaints will still be investigated by the OPS and nothing regarding the early warning will stop the complaint process.

Chairman Jason Allen asked if there was an SOP for this process. Commander Matos stated there was a draft being reviewed by the command staff. Chairman Allen requested to see the SOP.

*F. Report from the Chair*

Chairman Jason Allen thanked John Paneto for his three years of service on the Board. Board Counsel Patrick Jordan stated that Mr. Paneto needed to officially resign from the Board because even though his term had expired, per the CPRB legislation, he was expected to remain on the Board until his seat had been filled.

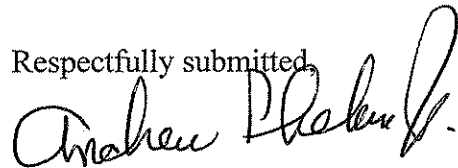
**V. Public Comment**

Chairman Jason Allen opened the floor for public comment. It was noted that there were no public comments.

**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 7:30 p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Andrew Phelan, Jr.", written in a cursive style.

Andrew Phelan, Jr.  
Secretary