

City of Albany
Citizens' Police Review Board
Labor Temple
890 3rd Street- 2nd Floor Meeting Room
February 18, 2010
6:00 p.m. – 8:00 p.m.

Present: Jason Allen, Marilyn Hammond, Anthony Potenza, Reverend Edward Smart, and Akosua Yeboah.

Absent: Ronald Flagg, Jean Gannon, and Andrew Phelan, Jr.

I. Call to Order and Roll Call

Chairman Jason Allen called the meeting to order at 6:07 p.m.

II. Approval of the Agenda

The agenda was reviewed. Chairman Jason Allen tabled the review of CPRB No. 54-08/OPS No. C08-477 until the next meeting of the Board. Chairman Allen moved CPRB No. 42-09/OPS No. CC2009-096 to the beginning of the agenda. Anthony Potenza moved to approve the agenda. Marilyn Hammond seconded the motion. The motion carried unanimously.

III. Approval of the June 11, 2009 and July 23, 2009 Minutes

The June 11, 2009 meeting minutes were reviewed. Marilyn Hammond moved to approve the meeting minutes. Akosua Yeboah seconded the motion. The motion carried unanimously.

The July 23, 2009 meeting minutes were reviewed. Anthony Potenza moved to approve the meeting minutes. Marilyn Hammond seconded the motion. The motion carried unanimously.

IV. New Business

A. *New Complaints*

1. New Complaints Received since January 14, 2010 Meeting

Chairman Jason Allen reported that five (5) new complaints were received by the board since the January 14, 2010 meeting. Chairman Jason Allen moved to waive the reading of the new complaints due to the amount of cases received. Marilyn Hammond seconded the motion. The motion carried unanimously.

2. New Complaints for Review

CPRB No. 42-09/OPS No. CC2009-096 (Presented by Reverend Edward Smart)

Reverend Edward Smart summarized the complaint. The complainant alleged that he was unlawfully detained and arrested by members of the Albany Police Department. The complainant further alleged that during his detainment, a detective stated to him that they were “investigating burglaries on Clinton Avenue.” The detective later stated “We don’t think that you are involved so just give us your DNA and you can go home, this will rule you out of the investigation.” The complainant alleged that he had been detained for two and a half (2.5) hours. According to the complainant, he gave his DNA and signed the consent form under duress. The complainant alleged that he was illegally detained for three (3) hours, falsely arrested, malicious arrest, seizure of his person and property, forcible coercion, and police misconduct.

Reverend Smart reported that he reviewed the following documents: Citizen’s Complaint Form, Document Complaint, May 27, 2009 Call Report, Call Report Remarks, Confidential Report, Subject Bulletin, May 27, 2009 Incident Report, October 16, 20, 21, and 23, 2009 Intra-Departmental Correspondence (IDC), DNA Consent Form, Lab Report DNA Sample Confirmation of Evidence (Crime Lab NY State Police), Property Report, Receipt of Complaint Form, Complainant Form received September 14, 2009, May 29, 2009 Supplemental Report, and August 27, 2009 Discovery Information from the District Attorneys’ Office.

Reverend Smart stated that the complainant alleged a violation of conduct standards. The complainant alleged that he was illegally detained, falsely arrested, there was seizure of his person and property, forcible coercion, and police misconduct. Reverend Smart summarized the finding of the Office of Professional Standards (OPS) as *unfounded*. Based on the OPS investigation, the detectives were investigating a rape by a victim. During the course of the investigation the complainant was identified as the suspect. The complainant was arrested for rape, detained, and remanded to jail where he remains incarcerated. The case is currently being adjudicated in court. The case is currently under investigation and information by the detectives cannot be disclosed.

Reverend Smart stated that he concurred with the OPS finding of *unfounded* for this allegation.

Chairman Jason Allen asked if there was a monitor assigned to the case. Reverend Smart replied that there was not. OPS Detective Alisa Murray stated that the complainant has since gone to trial and has been convicted of the rape approximately three (3) months ago.

Reverend Smart reported that the complainant alleged a second violation of conduct standards. The complainant alleged that a detective told him that he was investigating a burglary on Clinton Avenue. The complainant further alleged that the detective stated “We don’t think that you are involved so just give us a DNA and you can go home, this

will rule you out of the investigation.” Reverend Smart stated that detectives often use these “ruse” tactics to obtain information from suspect and are allowed within reason.

Reverend Smart noted that the DNA form of consent was signed, and the signatures seem to be that of the complainant. Reverend Smart stated that he examined the various loops and particular letters of the signatures and determined that the signatures were the same. The tactics used by the officers are within the scope of proper police investigative information gathering procedures. Reverend Smart stated that he concurred with the finding of the OPS as *exonerated*.

Reverend Smart reported that the complainant alleged a third violation of conduct standards where he asked to leave while being questioned. Reverend Smart stated that based on OPS investigation, the complainant was a person of great interest and was high on the list of the suspects being sought by the Albany Police Department for the alleged rape. At the end of the interrogation, the suspect was arrested and remanded into custody. Reverend Smart reported that the suspect remained in custody. Therefore he concurred with the OPS finding of *exonerated*.

Reverend Smart reported that the complainant alleged a fourth violation of conduct standards that he was detained for two and one half (2.5) hours and gave the DNA swab under duress. Based on the OPS investigation, the time frame of questioning the complainant was reasonable because this was a horrific rape of a woman who has a history of mental treatment at various hospitals. The victim had been diagnosed as Bi-Polar, suffering from seizures, Tourette Syndrome, and Post Traumatic Stress Disorder (PTSD). Reverend Smart stated that the detectives were investigating a rape case and were professional in both questioning the complainant and securing vital information. The Albany Police Department website indicated that the complainant was wanted for questioning. The officers recognized the suspect and transported the complainant to the detectives for questioning. Reverend Smart stated that he agreed with the OPS finding of *not sustained*.

Chairman Allen acknowledged that the complainant’s family was present. The complainant’s mother stated that her son did not plead guilty but he was found guilty. Detective Murray stated that the complainant was convicted. The complainant’s mother inquired as to why the OPS or the Board did not interview the complainant while he was incarcerated. Chairman Allen replied that the Board is not permitted to directly interview the complainant. Chairman Allen stated that if a monitor had been assigned to the case, that monitor would have been present with the OPS when the complainant was interviewed, but a monitor was not assigned. Chairman Allen stated that the Board is mandated to ensure that the OPS did a thorough investigation, whether the Board disagrees or agrees with the findings, or if the Board needs more information. Chairman Allen stated that the case has been in the court system for a while. Chairman Allen stated

that Reverend Smart spent a lot of time going through all of the documentation with the OPS. Chairman Allen stated that Reverend Smart did a good job stating what the issues are and how the OPS reached its conclusion. Reverend Smart stated that the Board's job in this case is to determine whether the police have overstepped their ground in detaining the complainant. Reverend Smart stated that he could not make that determination.

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

Reverend Edward Smart moved to accept the OPS finding of *exonerated* on the second allegation of violation of conduct standards. Marilyn Hammond seconded the motion. The motion carried unanimously.

Reverend Smart moved to accept the OPS finding of *exonerated* on the third allegation of violation of conduct standards. Chairman Jason Allen seconded the motion. The motion carried unanimously.

Reverend Smart moves to accept the OPS finding of *not sustained* on the fourth allegation of violation of conduct standards. Akosua Yeboah seconded the motion. The motion carried unanimously.

CPRB No. 2-09/OPS No. C08-842 (Presented by Anthony Potenza)

Anthony Potenza summarized the complaint. The complainant alleged that he was coming out of his house when two officers stopped him and asked him for his identification (ID). The complainant further alleged that the officers told him that they had information that the complainant was dealing drugs. The complainant alleged that the officers made him take his clothes out to show them that he did not have anything. The complainant further alleged that the officers told him that they got the information from a source.

Mr. Potenza reported that he reviewed the following: the Citizen Complaint, the Call Ticket, the Albany Police Department Confidential Report which lists numerous attempts to contact the complainant between March 12 and September 24, 2009 with no success, and documentation from the USPS showing the attempts to deliver communications from the Albany Police Department and receipts for certified mail. The complainant could not be located. Mr. Potenza stated that the OPS made a finding of *no finding* based on the fact that a full and complete investigation could not be conducted, the complainant could not be located in order to clarify the complaint and attempts to contact the complainant by phone and mail was unsuccessful.

Anthony Potenza moved to concur with the OPS finding of *no finding*. Marilyn Hammond seconded the motion. The motion carried unanimously.

CPRB No. 23-09/OPS No. CC2009-096 (Presented by Anthony Potenza)

Anthony Potenza summarized the complaint. The complainant alleged that he called 911 to report two teenagers fighting on the corner of Lark Street and Clinton Avenue. The complainant further alleged that one girl pulled out a knife and started stabbing the other girl. The complaint claimed that he was still on the phone with 911 when two officers approached the car and asked to see his license and registration. The complainant further claimed that when he tried to explain the situation, the officers were not interested. According to the complainant, both girls got away because the officers detained him. The girl who did the stabbing was still in sight of the officers walking down Clinton Avenue but because the officers were demanding to see his license and registration the girl got away. The complainant alleged that he was trying to do the right thing and instead he was victimized by the police. The never questioned him about the fight or the stabbing.

Mr. Potenza reported that he reviewed the following: the Civilian Complaint Form, the OPS Complaint Report, the OPS Confidential Report which reports the following: there were units dispatched to Clinton Avenue and Lark Street for a traffic stop which would agree with the complainant that the police did not arrive at the scene for any reason other than to stop him, and the traffic infraction which was the use of a mobile phone.

It was noted that the complainant was present. The complainant stated that the OPS Confidential Report was incorrect. He stated that he was stopped on the corner of Clinton Avenue and Lark Street, and when the units came around, they went up to Henry Johnson Boulevard. The complainant further stated that he was still on the phone with 911 and told them to tell the officers that they went too far. The officers then turned around and came back. The complainant stated that the person who did the stabbing was walking down Clinton Avenue, and the person who got stabbed was walking on Lark Street. The complainant further stated that he told the officers that the girl was stabbed and that they should see if she needed medical attention. The complainant stated that the officers were detaining him, but he was the one who called 911 to report the incident. The complainant stated that he was "ticked off" because he was in a suit, he is a pillar in his community and church, and he is not a "hoodlum." He stated he drives a 2007 Mitsubishi Eclipse and was wearing a suit. The complainant stated that he wondered how the officers could have confused him with two teenage girls. The complainant further stated that when he called the Police Department to complain, the officer told him it was a "misunderstanding." The complainant asked how they could have mistaken him, a black man, for two teenage girls. The complainant stated that a detective called him

later that evening and asked whether he could come in and identify the person who did the stabbing.

Mr. Potenza stated that based on the OPS investigation, the initial call was for a traffic stop. He stated that the vast majority of the data that he reviewed from the OPS Confidential Report showed that the officers were responding to exactly what the complainant was calling 911 about, a stabbing.

Chairman Allen asked if the two police officers showed up for a traffic stop or if they showed up for a stabbing. Mr. Potenza replied that they showed up for a traffic stop, but given the fact that the altercation took place, immediately their attention was turned to that. Mr. Potenza further stated that the problem they had was that based upon the documentation he reviewed, rather than just getting off the phone with 911 and dealing with the police officers about the matter, the complainant continued to speak with 911 about the matter.

Chairman Allen asked if it is illegal to talk on a cell phone when a car is stopped.

Chairman Allen asked the complainant if he was stopped. The complainant stated that he was. The complainant stated he was already parked when the police officers approached him. Detective Murray stated that the investigation showed that the complainant was slightly pulled over on his cell phone. She stated that the officers initially approached because the complainant was not completely pulled over onto the side of the road. The complainant was partially in the middle of the road.

Chairman Allen asked if the officers were driving down the road, did not have a call, saw the complainant, and approached him. Detective Murray stated that the officers looped around a couple times, saw the complainant, and pulled him over. She stated that after the police officers pulled him over, the call went out for a stabbing. Detective Murray stated that the complainant stated to officers that he was trying to tell 911 what was going on, and officers replied that they were "right here."

The complainant stated that he was not stopped by the officers. He was parked on the side of the road. Detective Murray stated that the officers pulled behind him. The complainant stated that they did not because he was already parked and they did not have a reason to pull him over. The complainant stated that Detective Murray was not there.

Reverend Smart asked for the complainant's name. Reverend Smart stated that everyone should listen to the Chairman and that there should be some order in how the meeting is conducted so that he can hear everything without getting confused. Board Counsel Patrick Jordan reminded the Board not to inquire as to the name of the complainant. Chairman Allen explained to the complainant that as a practice the board does not divulge names.

Mr. Potenza respectfully requested that the matter be further investigated and that any further deliberation and consideration be postponed for further investigation. Chairman Allen asked what were the questions for the case to be sent back to the OPS for further investigation. Reverend Smart stated that he wanted to know what the complainant thought the police did that brought about this complaint.

The complainant stated that he is very established in his community. He further stated that the officers approached his vehicle on each side with their hands poised on their holsters. According to the complainant, he was trying to explain that there was a stabbing and that the officers should focus their attention on them. The complainant stated that he was parked, with the car turned off and he was on the phone talking to 911. The officers let the girls get away while they were detaining him. Then the officers called the complainant back later on for his assistance in the case.

Chairman Allen asked the complainant if he immediately put the phone down when the officers approached him, or if he continued to speak with 911. The complainant replied that he told the 911 dispatcher that the officers were there. The officers were detaining him, and then he put the phone down. The complainant stated that he complied with the officers.

Mr. Potenza stated that the complaint warrants further investigation because of the contradictions in the complainant's statements and the OPS report. Based on the OPS report, the complainant simply dropped the phone and stated to the 911 operators that officers were there. The matter may have been handled better with regards to finding the perpetrator of the stabbing and the victim sooner, although the victim was found and taken to the hospital.

Chairman Allen asked the complainant if he was interviewed by the OPS. The complainant replied in the negative. Chairman Allen asked Detective Murray why the complainant was not interviewed. Detective Murray replied that based on the information she received, looking at all of the documentation, and the officers accounts, the findings were not going to change. Detective Murray stated that the complainant had his version of what took place and the officers have their version. She further stated that the officers reported that they observed the complainant on his cell phone while operating the vehicle.

Chairman Allen asked when this incident occurred. Mr. Potenza replied March 12, 2009. Detective Murray stated that the officers did not issue the complainant a ticket based upon the circumstances of having spoken with him and finding out what was going on. Mr. Potenza stated that the OPS report did not indicate that. Detective Murray stated that the officers did speak with the complainant at the scene and subsequently found out that

there was a stabbing so they used their discretion by not issuing the complainant a ticket and continued on to try to find the victim.

Chairman Allen stated that a lot of work went into the report, but the OPS should interview the complainant and reconcile the OPS investigation with what the complainant has stated. Chairman Allen stated that there are a couple of things that are contradictory. Detective Murray agreed.

Chairman Allen stated to the complainant that the OPS will investigate his complaint further.

The complainant stated that he was pulled over to the side of the road and he was not driving while using his cell phone. Mr. Potenza stated that the reason the police arrived at his vehicle was for a traffic stop, not a traffic violation. Reverend Smart stated that the OPS will look into the complaint further. He stated that the officers stopped the complainant first, unaware that there had been a stabbing and perhaps when they pulled behind him, they just saw the complainant's car and pulled up.

The complainant stated that he felt very humiliated during the incident. Detective Murray stated that even though the complainant was already pulled over, once the police approach the vehicle it is still considered a "traffic stop." She stated that it is just a generic term.

Chairman Allen stated that Coordinator of the Board Sharmaine Moseley will draft a letter with Mr. Potenza stating the need for a further investigation of the case. The letter will include any questions the Board has about the complaint including interviewing the complainant and reconciling his statement with the investigation.

Anthony Potenza moved to send the complaint back to the OPS for a further investigation. Reverend Edward Smart seconded the motion. The motion carried unanimously.

Detective Murray asked if she was going to receive a letter because she still was not clear as to why the complaint was being reinvestigated. Chairman Allen replied that the complainant should have been interviewed. The OPS should try to balance what he said and try to answer the Board's questions. Detective Murray stated that they have a certain limit for radio transmissions, and she lost them. She stated that if she had them there would have been a wealth of information about what had occurred during the stop, but she could not obtain them.

CPRB No. 43-09/OPS No. CC2009-092 (Presented by Reverend Edward Smart)

Reverend Edward Smart summarized the complaint. The complainant alleged that an officer lied under oath stating that there was a sign "No Parking On Corner" on the Quail

Street side of Western Avenue. The complainant alleged that the officer admitted that he parked where the fire hydrant was.

Reverend Smart reported that he reviewed the following documents: the OPS Confidential Report, the Citizen's Complaint Form, the Parking Ticket Complaint Form, the Citizen's Grievance Notification, Intra-Departmental Correspondence, Trial Form, Trial Date Form Notification, Parking Violation, and a Complaint Form Parking Ticket dated April 13, 2009.

Reverend Smart summarized the finding of the OPS on the first allegation of violation of conduct standards as *unfounded* where the review shows that the act complained of was misconstrued. The complainant alleged that an officer lied under oath during testimony at the complainant's Parking Trial. Reverend Smart stated that based on the OPS investigation, the supervisor testified under oath during the testimony at the Parking Trial that there was a "No Parking Here to Corner" sign, when there was no sign. The supervisor stated in his IDC that he remembered such a sign in place at the location and he may have been mistaken. In the opinion of the OPS, the officer did not perjure himself, swear falsely, or give a statement that he thought was untrue. The officer stated that he remembered seeing a "No Parking Here to Corner" sign. The complainant was not issued a "No Parking Here to Corner" ticket but was issued a ticket for parking in front of a fire hydrant. The complainant admitted to that violation and was found guilty at the trial.

Reverend Smart stated that the documents reviewed showed that the complainant was parked and cited for parking in front of a fire hydrant. He further stated that the officer in question did not issue a citation based upon the sign but based on the complainant parking in front of a fire hydrant. Reverend Smart stated that he agreed with the OPS finding as *unfounded*.

Reverend Smart summarized the finding of the OPS on the second allegation of violation of conduct standards as *not sustained*. The complainant alleged that the officer parked his patrol car in front of the fire hydrant. Reverend Smart stated that based on the OPS investigation, the officer stated that he was parked in between the complainant's car and another vehicle. He stayed with the patrol car and observed the complainant's vehicle for five minutes. The vehicle was stationary, unattended, and in violation of parking in front of a fire hydrant. The complainant was found guilty. The State trooper who was on patrol with the officer stated that the patrol car was not parked in violation of any parking statutes.

Reverend Smart stated that no evidence was presented that suggested that two cars can occupy the same space at the same time. Statements were given, a trial was held, and the

complainant was found guilty of the parking violation. Reverend Smart stated that he agreed with the OPS finding of *not sustained*.

Chairman Allen stated that the board has been receiving parking ticket complaints once a month. Chairman Allen stated that the complaint was heard in traffic court, and the complainant was found guilty.

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

Reverend Edward Smart moved to agree with the finding of the OPS on the second allegation of violation of conduct standards as *not sustained*. Marilyn Hammond seconded the motion. The motion carried unanimously.

CPRB No. 47-09/OPS No. CC2009-096 (Presented by Akosua Yeboah)

Akosua Yeboah summarized the complaint. The complainant alleged that he was arrested in violation of a court order to stay away from his wife. According to the complainant, he was found to be in possession of four (4) bags of marijuana valued at \$10 each, and he had \$968.64. The complainant alleged that he was never charged with possession of the marijuana, and that his money was seized and held. He further alleged that the money was a loan from his employer, and that if it was not returned to him, he would have to file formal charges against members of the Watervliet Police Department.

Ms. Yeboah reported that she reviewed the following documents: Civilian Complaint Report, the OPS Confidential Report, and the statement of the Complainant. Ms. Yeboah stated that no monitor was assigned to this complaint.

Akosua Yeboah moved to agree with the OPS finding of *no finding*, where the investigation showed that the complaint involved no members of the Albany Police Department, and that the allegations involved a different police department. The complaint should be forwarded to another police department. Reverend Edward Smart seconded the motion. The motion carried unanimously.

B. *Appointment of New Members to the Committee on Complaint Review for March 2010.*

The following Board members were appointed to the Committee on Complaint Review for March 2010: Jason Allen, Marilyn Hammond, Anthony Potenza, Reverend Edward Smart, and Akosua Yeboah.

C. *Approval of the 2008 Annual Report and 2008 Fourth Quarterly Report.*

The 2008 Annual Report was reviewed. Chairman Jason Allen moved to approve the 2008 Annual Report. Marilyn Hammond seconded the motion. The motion carried unanimously. Chairman Jason Allen moved to approve the 2008 Fourth Quarterly Report. Marilyn Hammond seconded the motion. The motion carried unanimously.

D. *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 Smart reported that members of the committee are scheduled to meet with the NAACP on Monday evening at their annual monthly meeting. Reverend Smart stated that the committee has not received the notification of the exact location. He further stated that Ms. Moseley will accompany him to the meeting. Chairman Allen stated that he met with the NAACP last winter, and it was a very productive meeting. He further stated that the Board followed up with a letter, which would be helpful for Reverend Smart to see. Chairman Allen stated that anytime he has a meeting with the community he tries to focus on the Board's four (4) initiatives: cameras in the patrol cars, mediation, all complaints come to the board, and the Early Warning System. Ms. Moseley stated that the meeting is scheduled for Wednesday, February 24, 2010. Reverend Smart stated that he will not be able to attend the meeting on Wednesday. Chairman Allen stated that he would be able to attend if it is on Wednesday. Ms. Moseley stated that she will send an email to the board to inquire as to who else will attend and the location of the meeting.

Chairman Allen reported that he met with the Center Square Neighborhood Association since the last meeting of the Board. He stated that they were encouraged by the Board's initiatives. Chairman Allen further stated that they were very encouraged by the progress being made by the Albany Police Department.

Chairman Allen asked how would the Board be able get more meetings with the Neighborhood Associations. Ms. Moseley stated that the Government Law Center would need to contact them. Ms. Yeboah stated that the Board would have to contact the president of the Neighborhood Association. She further stated that she could set up a meeting with her own Neighborhood Association. Chairman Allen stated that they would meet with Ms. Yeboah's neighborhood association.

Mediation

Committee Chairman Allen stated that he met with the Police Unions and APD leadership in September, and the follow-up meeting was postponed. Ms. Moseley stated that she reached out via email, but has not heard anything back. Chairman Allen asked Board Counsel Bill Keilly if he knew anything about it. Mr. Keilly replied that he was not aware of it but would give Chairman Allen his contact information and follow up on it.

Police Department Liaison/ Policy Review/ Recommendations

Chairman Jason Allen stated he would report on behalf of Committee Chairman Andrew Phelan who is not present at tonight's meeting. Chairman Allen reported that some members of the Board received a demonstration of the video camera and audio system in the patrol cars at the OPS a couple weeks ago. Chairman Allen stated that it was a good demonstration and the effectiveness of the sound capabilities hit home. He stated that everyone should be pleased because it helps make things less ambiguous. He stated that a great thing has happened.

Chairman Allen acknowledged that Commander Matos was not present to report about the Early Warning System. OPS Detective Alisa Murray stated that he was out of town but that she could report for him. She stated that the EAP (Employee Assistance Program) Training has been completed. Detective Murray stated that the EAP helps employees, those who are on the scene, and those who were involved, with support when dealing with a situation like what had occurred a couple weeks ago. The Blue Team for IAPRO Training will meet in April as the Albany Police Department moves toward a more comprehensive Early Warning System.

Public Official Liaison

Chairman Jason Allen reported that there are no meetings scheduled with the Common Council or Mayor's office. He asked Ms. Moseley to schedule the meetings in March. Reverend Smart suggested that the Board should consider meeting with the Public Safety Council after it is re-organized because there are many new Council members. Chairman Allen stated that the committee would meet with them in March.

Task Force on Monitors

Chairman Allen stated that Task Force Chairwoman Jean Gannon was not present to report. He asked Ms. Moseley if she had anything new to report. Ms. Moseley replied that presently all five (5) monitors are back in rotation. The Mayor approved the list of new monitors, so the Board is still waiting for the Common Council to approve the list.

E. *Nominations for Elected Board Member Positions*

Chairman Jason Allen stated that he was nominated for Chairman, and Mr. Ronald Flagg was nominated for Vice-Chairman, however Mr. Flagg did not want to be nominated. Reverend Smart was nominated for Vice-Chairman. Chairman Allen further stated that Andrew Phelan, Jr. agreed to be nominated for Secretary.

Anthony Potenza nominated Andrew Phelan for Secretary. Reverend Edward Smart seconded the nomination. The nomination carried unanimously.

Anthony Potenza nominated Reverend Edward Smart for Vice-Chairman. Chairman Jason Allen seconded the nomination. The nomination carried unanimously.

Anthony Potenza nominated Chairman Jason Allen for Chairman. Akosua Yeboah seconded the nomination. The nomination carried unanimously.

Reverend Edward Smart moved that the Secretary cast a unanimous ballot for all those who run unopposed. Anthony Potenza seconded the motion. The motion carried unanimously.

F. *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 sixty-five (65) active complaints before the Board for review. Of those sixty-five (65) active complaints, four (4) were reviewed at tonight's meeting, which leaves the Board with sixty one (61) active complaints. Out of those sixty one (61) active complaints, fifteen (15) cases are ready to go on the next meeting agenda for review.

Chairman Allen stated that the OPS did research on how long it has to complete a complaint and inquired as to whether the GLC has found out any information from different agencies. Ms. Moseley replied that a student was researching the request for information. Chairman Allen stated that he would like to have a recommendation before the Board meets with the Common Council.

It was reported that there are fifteen (15) cases ready for review, and the GLC received ten (10) cases at the end of last month. She asked the board whether she should divide up the complaints or if the Board wanted to have two meetings in March. Chairman Allen replied that the Board would have their first meeting in March with eight (8) complaints and see how the backlog is at that time to determine if another meeting in March is necessary.

It was further reported that three hundred and fifty-nine (359) complaints have been closed. The total number of complaints suspended from review is eleven (11). The total number of complaints filed to date is four hundred and thirty-one (431).

It was reported that since the Board's last meeting, the GLC received four (4) grievance forms. The total number of forms received to date is one hundred and thirty-eight (138). In response to the GLC's outreach to all one hundred and thirty-eight (138) individuals, the GLC received thirty five (35) CPRB complaint forms.

Board Vacancies/Re-appointments

It was reported that the Board still has one (1) vacancy to fill which was left by Daniel Fitzgerald who was a Mayoral appointee. It was further reported that the Board is still waiting on the re-appointments of Reverend Edward Smart and Andrew Phelan.

Board Member Orientation/ Citizens' Academy

It was reported that new Board member Akosua Yeboah has completed her orientation with the GLC as well as the OPS. She will be enrolled in the upcoming Albany Police Citizens' Academy which is scheduled to begin on Tuesday March 2nd from 6 p.m. to 9 p.m. The academy runs for 15 weeks. Ms. Moseley stated that she included the application in the Board members' packets if anyone is interested in attending. Ms. Hammond and Mr. Potenza stated that they would like to participate in the classes they missed. Chairman Allen asked if there was a schedule. Ms. Yeboah replied that it was available on the website. Ms. Moseley asked Ms. Yeboah if she completed the ride-along. Ms. Yeboah replied that she will schedule her ride-along as part of the academy. Ms. Moseley stated that Ms. Yeboah also has to be on one of the Board's committees. Ms. Yeboah replied that she would like to be on the Mediation Committee, Community Outreach Committee and the Public Official Liaison Committee.

Upcoming Meetings

It was reported that the next Board meeting is scheduled for March 11, 2010 at the Albany Public Library.

G. *Report from the Office of Professional Standards*

OPS Detective Alisa Murray stated that she had nothing else to report.

H. *Report from the Chair*

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

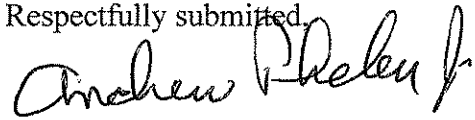
V. **Public Comment**

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

VI. **Adjournment**

Akosua Yeboah moved to adjourn the meeting. Chairman Jason Allen stated that they could not vote on it because Reverend Edward Smart had already left and the Board did not have a quorum. The meeting adjourned at 7:06 p.m.

Respectfully submitted,

A handwritten signature in black ink that reads "Andrew Phelan, Jr." with a stylized flourish at the end.

Andrew Phelan, Jr.
Secretary