

**City of Albany
Citizens' Police Review Board
GWU the Center
274 Washington Avenue- Teen Center Conference Room
May 17, 2012
6:00 p.m. - 8:00 p.m.**

Present: Mickey Bradley, Marilyn Hammond, Andrew Phelan Jr., Anthony Potenza, Eugene Sarfoh, Reverend Edward Smart.

Absent: Maritza Martinez, Patrick Toye, and Akosua Yeboah.

I. Call to Order and Roll Call

Chairman Edward Smart called the meeting to order at 6:00 p.m.

II. Approval of the Agenda

The agenda was reviewed. Anthony Potenza moved to approve the agenda. Marilyn Hammond seconded the motion. The motion carried unanimously.

III. Approval of the January 12, 2012 Meeting Minutes

The January 12, 2012 meeting minutes were reviewed. Marilyn Hammond moved to approve the January 12, 2012 meeting minutes. Andrew Phelan Jr. seconded the motion. The motion carried unanimously.

IV. Old Business

CPRB No. 4-12/OPS No. CC2012-017

Chairman Edward Smart asked OPS Detective Kathy Hendrick if she would explain the case to the Board. Detective Hendrick explained that the complainant in this matter was a witness to an incident and filed a complaint on behalf of another party. The Office of Professional Standards (OPS) contacted the other party's guardian and were told that they were not interested in pursuing a complaint against the Albany Police Department (APD). Chairman Smart noted that the Board did not have a complaint form from the complainant despite the fact that multiple complaint forms had been mailed to her. Chairman Smart stated that without a complaint there cannot be a case. The OPS noted that the alleged victim had no interest in cooperating with an OPS investigation. Marilyn Hammond made a motion to close the case. Mickey Bradley seconded the motion. The motion carried unanimously.

V. **New Business**

A. *New Complaints*

1. New Complaints Received Since the April 12, 2012 Meeting

Chairman Edward Smart reported that the Board received seven (7) new complaints since its April 12, 2012 meeting. Board Secretary Andrew Phelan, Jr. read the new complaints.

CPRB No. 15-12/OPS No. CC2012-036

The complainant alleges that on April 8, 2012, seven (7) to eight (8) police officers allegedly knocked on his apartment door. The officers allegedly had their guns drawn and pointed at the complainant. The complainant alleges that the officers told him to put his hands on his head. The officers allegedly took the complainant's key, cell phone, and wallet out of his pocket and told him to sit on the cold floor. The complainant further alleges that the police took his shotgun.

A monitor was not assigned to investigate this complaint.

CPRB No. 16-12/OPS No. CC2012-041

The complainant alleges that a police officer took two (2) vehicles from her home and engaged in improper conduct by harassing the complainant and her family. The officer allegedly dumped all of the complainant's personal items all over her house. The complainant alleges that the officer made her sit at the police station for ten (10) hours. The officer allegedly searched the complainant's property and refused to provide her with a search warrant.

A monitor was assigned to investigate this complaint.

CPRB No. 17-12/OPS No. CC2012-037

The complainant alleges that a Coeymans police officer drew his loaded weapon in the presence of minors and held it at the complainant's face. When the officer learned that other officers were on their way, he allegedly withdrew the gun, took out his nightstick and broke the complainant's window with it. The complainant further alleges that the other officers who arrived on the scene jumped on him while the target officer hit him with his nightstick.

A monitor was not assigned to investigate this complaint.

Please note that this complaint is against a member of the Coeymans Police Department and will be placed on next month's meeting agenda.

CPRB No. 18-12/OPS No. CC2012-038

The complainant alleges that on April 24, 2012, she and her daughter were involved in a felony stop on New Scotland Avenue. The complainant further alleges that the officers, with their guns drawn, handcuffed and patted down her daughter. The complainant claims that the officers searched her vehicle and found nothing. The officers allegedly told the complainant that a reliable probation officer told them that a man was seen passing a shotgun through the complainant's car. The alleged shotgun was an umbrella, which the complainant's son gave her while at the bus stop in front of the Department of Motor Vehicles. The complainant alleges that after the officer realized he was wrong, instead of apologizing, he became defensive and continued to argue. When the complainant went to the police station for assistance, the lieutenant failed to assist her. According to the complainant, her daughter was traumatized as a result of the felony stop.

A monitor was not appointed to investigate this complaint.

CPRB No. 19-12/OPS No. CC2012-040

The complainant alleges that on the morning of April 27, 2012, police officers and a sergeant woke him up by banging on his downstairs door. The sergeant allegedly told the complainant that the New York State Police informed them that a woman was being held hostage in his home, so they needed to come in. The complainant and his girlfriend came to the window and denied that a woman was being held hostage. The sergeant allegedly told the complainant that a warrant was not needed for the officers to enter the complainant's home. The officers allegedly told the complainant that he had five (5) seconds to open the door. They started counting and proceeded to kick the door open. The officers allegedly rushed into the complainant's home with their guns drawn, and handcuffed the complainant and his girlfriend. The complainant alleges that the officers violated his and his girlfriend's rights. The officers did not find a hostage situation or any weapons inside the complainant's home.

A monitor was appointed to investigate the complaint.

CPRB No. 20-12/OPS No. CC2012-043

The complainant alleges that on or about November 9 through November 12, 2011, police unlawfully threatened to arrest him for attempting to document and secure his and his mother's property from his mother's home, which due to a fire was scheduled for demolition. The complainant alleges that his and his mother's property was illegally taken from the home by the City of Albany and the demolition contractor and that the Albany Police Department aided and abetted the unlawful taking of that property, which included books and a cast iron tub. Additionally, the complainant questions whether the police profited from the unlawful taking of property from the residence. The complainant

alleges that he was unlawfully threatened with arrest multiple times, including when he attempted to photograph the taking of his books from the property.

*A monitor **was** appointed to investigate this complaint.*

CPRB No. 21-12/OPS No. CC2012-043

The complainant alleges that on April 30, 2012 at 11:21 a.m., police officers who responded to her call to the Albany Police Department filed a false police report. The officers allegedly wrote in the report that the complainant lost her birth certificate when she claims that it was stolen from her residence by an individual who multiple times has illegally entered her residence using a key.

*A monitor **was not** appointed to investigate this complaint.*

2. Complaint(s) for Board Review

CPRB No. 02-12/OPS No. CC2011-135 (Presented by Chairman Edward Smart)

Chairman Edward Smart summarized the complaint. The complainant alleged that she was stopped by a police officer and was asked inappropriate questions during the stop. Chairman Smart reported that he reviewed the following documents: OPS Confidential Report; Citizen's Complaint Form; Search Plate; Registration Search; Memo Times Union Advocate Columnist; Motorist Questions Conduct of Albany Police; Call Report Location; and Field Investigation Report/Contact Report.

Chairman Smart stated that monitor Richard Lenihan was assigned to this case and was present. Mr. Lenihan stated that every question asked by the officer was a question listed on the APD's Field Interview Card.

Chairman Smart asked if the complainant was present. It was noted that the complainant was present. The complainant stated that she felt the conduct of the officer was inappropriate from the beginning of the stop. She alleged that the officer leaned inappropriately into the car after stating that he could not hear her. After confirming her address, the officer allegedly continued his inappropriate behavior. After asking the complainant her age and weight, the officer allegedly threatened to give her a ticket if she did not answer, despite the fact that he had previously told her that she was only receiving a warning. Chairman Smart asked if the Board had any questions. It was noted that the Board did not have any questions. Chairman Smart explained that the questions that the officer asked were listed on the Field Interview Card. Chairman Smart further stated that the Board encourages officers to take the high road. In terms of the questions that the officer asked, it is a part of the Field Interview Card. If he does not ask those questions or fill out the card, he is not following the APD's Standard Operating Procedure. Chairman Smart asked if the complainant's sister had any comments. The

complainant's sister replied that she did not agree with the officer's behavior. She further stated that she was stopped before and was never asked those questions. Eugene Sarfoh asked for clarification on whether or not a Field Interview Card is to be completed. Detective Hendrick replied that the Office of Professional Standards (OPS) Standard Operating Procedure (SOP) dictates that a Field Interview Card is completed whenever an arrest, traffic summons or domestic report is issued. Tony Potenza asked if the officer issued a ticket then he wouldn't have completed a field interview card. Detective Hendrick responded in the affirmative. Detective Hendrick further stated that in this case the officer could have used discretion when asking the questions and estimated instead. The complainant stated that she believes that if she were a man, she would not have been asked those questions. She further stated that she did not know the officer and she was uncomfortable answering all of the questions that he asked.

Marilyn Hammond asked if there was audio from the stop. Detective Hendrick replied that audio exists but that it was intermittent due to the flow of traffic. Mr. Sarfoh stated that the tone of the officer is a large component of the complaint. Mr. Sarfoh further stated that he accepts that the officer's tone contributed to the complainant's feelings regarding the event. However, the reason for the stop was legitimate and the officer did not issue the complainant a ticket. The information obtained was legitimate as well.

Chairman Smart summarized the OPS finding of *exonerated* for the call handling allegation, where the acts which provide the basis for the complaint occurred, but the review shows that such acts were proper. Based on the OPS investigation, when the officer initiated the traffic stop, by law the driver was not free to leave and must provide identification, which she did. The officer used his discretion to not issue a traffic summons and instead as per department policy completed a Field Interview Card. Nothing in the statements and audio portion indicated that officer's actions were inappropriate. Chairman Smart stated that nothing in the audio that was available indicated that anything inappropriate occurred. Chairman Edward Smart further stated that he agreed with the OPS finding of *exonerated* and moved to concur with the finding. Anthony Potenza seconded the motion. The motion carried unanimously. Chairman Smart also stated that he believes a letter should be sent to Albany Police Chief Krokoff stating that officers should inform citizens that they may need information to complete a Field Interview Card.

Chairman Smart further stated that there is a second issue which is that the audio in vehicles is not working. If the audio equipment had worked correctly, it would have helped the Board reach a determination. Detective Hendrick stated that the equipment did work correctly but that the wireless microphone was located near the patrol officer's waist, thus making the audio difficult to hear. Detective Hendrick further stated that the officer could not be heard but that the complainant was audible. Chairman Smart asked Detective Hendrick why the APD had expensive audio equipment if the equipment was

not going to be placed in a position where it could be used effectively. Detective Hendrick replied that it is easier and more convenient for the officer to place the microphone on their belt. Chairman Smart asked why this is done if the audio equipment does not properly record audio when it is in that position. Detective Hendrick stated that it depends on the outside environment and that sometimes the equipment works correctly. Mr. Lenihan stated that the audio was not of great use and that as best as he could tell, the officer was not rude. Detective Hendrick stated that the audio in this case was intermittent. Mr. Sarfoh stated that if the audio equipment is the best available and it has been determined that the officer did not ask inappropriate questions then the main issues have been resolved. Mr. Sarfoh further stated that the complainant may have felt intimidated but the officer had a right to ask the questions that were asked.

Chairman Smart stated that he believes it is appropriate to ask Chief Steven Krokoff to look into the Board's concerns regarding the audio and video equipment. Chairman Smart stated that it was the expectation of the Board that all of the APD vehicles would have audio and video equipment and that if this is not the case, then the Board is concerned. Mickey Bradley stated that he believes perhaps where the officers place the microphone to record audio could be improved. Mr. Bradley further stated that he understands a perfect system might not be possible but that potentially it could be improved. Mr. Sarfoh stated that he is not sure that there is a problem with the audio and video equipment and therefore is not sure whether a letter is needed. Chairman Smart made a motion to send a letter to Police Chief Krokoff inquiring as to which APD vehicles have audio and video equipment and whether or not that equipment has experienced any issues. Marilyn Hammond seconded the motion. Eugene Sarfoh and Anthony Potenza abstained. Eugene Sarfoh stated the Board should find out if there are any issues with the equipment before the Board takes the step of writing a letter to Police Chief Krokoff. The motion failed to carry by a vote of 4-0. Two members abstained from voting.

CPRB No. 28-11/OPS No. CC2011-074 (Presented by Mickey Bradley)

Mickey Bradley summarized the complaint. Mr. Bradley stated that the complaint stems from a minor car accident that occurred on July 11, 2011, in the parking lot of the Price Chopper located on Madison Avenue. The complainant hit another vehicle with her car in the parking lot and an argument ensued. The passenger of the other vehicle that was involved in the accident called 911 and stated that she was struck in the face by the complainant. The APD officers arrived and placed the complainant into the back of a police vehicle while handcuffed. When the officers could not verify whether the incident occurred, they opted to file a report rather than make an arrest.

The complainant claims that the treatment she received was racially biased due to the fact that the white female was not detained in any way despite the fact that the complainant's

brother stated that the white female had struck him. Secondly, the complainant alleges that excessive force was used when the officers allegedly threw her into the police car.

Mr. Bradley reported that he reviewed the following documents: OPS Report; Call Ticket # 11240467; Inter-Departmental Correspondence (IDC's); Citizen's Complaint Form; Arrest Report; CAD Call history; Incident Report; Amended Police Accident Report; Capsnet Web; APD Grievance Notification Report; Personal Statements; and footage from Price Chopper's cameras overlooking the parking lot.

Mr. Bradley asked if the complainant was present. It was noted that the complainant was not present. Mr. Bradley stated that monitor Therese Balfe was assigned to this case and was present. Ms. Balfe stated that the complainant provided four (4) witnesses but did not provide any phone numbers or addresses at which to contact the witnesses. Ms. Balfe further stated that when the OPS reached out to the witnesses, the witnesses were not forthcoming with information. Ms. Balfe stated that she agreed with the findings of the OPS and that she believed the OPS conducted a thorough and complete investigation.

Mr. Bradley summarized the OPS finding for the call handling allegation as ***unfounded***, where the review shows that the act or acts complained of did not occur or was misconstrued. The complainant alleged that an officer targeted the complainant and acted racially biased. Based on the OPS investigation, the officers acted with the information that they had and acted accordingly. Mickey Bradley moved to concur with the OPS finding of ***unfounded*** for the first call handling allegation. Chairman Edward Smart seconded the motion. The motion carried unanimously.

Mr. Bradley summarized the OPS finding for the use of force allegation as ***unfounded***, where the review shows that the act or acts complained of did not occur or was misconstrued. The complainant alleged that an officer threw the complainant into the police unit when securing her. Based on the OPS investigation, the mobile DVR unit showed that this alleged contact did not occur. Mickey Bradley moved to concur with the OPS finding of ***unfounded*** for the use of force allegation. Chairman Edward Smart seconded the motion. The motion carried unanimously.

CPRB No. 33-11/OPS No. CC2011-108 (Presented by Andrew Phelan, Jr.)

Andrew Phelan, Jr. summarized the complaint. Mr. Phelan stated that this complaint stems from an incident that occurred September 21, 2011, and the complaint was filed on September 22, 2011. The complainant alleged one count of use of force and one count of conduct standards during the course of a traffic stop that occurred after the complainant pulled into a gas station at the corners of Clinton Street and Quail Street.

Mr. Phelan summarized the OPS finding as ***unfounded*** for the use of force allegation. The complainant alleged that he was struck in the head with a gun and pulled out of his

vehicle. The complainant further alleged that he was improperly grabbed and was threatened with an attack by a K9 dog. The complainant stated that a K9 was never released and an officer stated that no one ever threatened to release the K9. Based on the OPS investigation, the groin area of the complainant was searched, but it was justifiable under the circumstances. The complainant further alleged that he received medical treatment for a concussion received from the officer's actions, but no submitted medical records indicate a diagnosed concussion. The video of the incident was captured from the gas station's recording equipment but no audio from the incident was available. The video shows an officer with his hand up gesturing to the complainant to stop his vehicle. The video further shows the complainant exiting his vehicle and the officer advancing towards him. The video shows the officer holstering his weapon and with minimal force, pushes the complainant to the rear of the vehicle. The video also shows another officer, who was a supervisor, arriving on a bicycle and stopping on the passenger side of the complainant's vehicle. The supervisor disappeared from view of the camera towards the rear of the vehicle and was the only officer on the scene on a bicycle. After several minutes, all officers had left the scene and the complainant walked into the gas station. Upon exiting the gas station, the complainant is seen talking on his cell phone. Mr. Phelan reported that the complainant did not appear to have a head injury from the video. Mr. Phelan further stated that photos submitted by the complainant that were taken within 24 hours of the incident showed no signs of a physical injury. All officers on the scene stated that the complainant was not struck with any object.

Mr. Phelan summarized the OPS finding as *not sustained* for the conduct standards allegation that the supervisor on the scene spoke to the complainant in an inappropriate manner. Based on the OPS investigation, there was no audio available on the gas station video and there were no mobile DVR recordings of the incident. Mr. Phelan reported that monitor Joel Pierre-Louis was appointed to this case and was present.

Mr. Pierre-Louis stated that there was no DVR recording available to him when he reviewed the case. The tape provided by the gas station was the only recording available for review. Mr. Pierre-Louis further stated that the video recording did not show what transpired when the complainant was taken to the back of the vehicle, as the view was blocked.

Mr. Phelan asked if the complainant was present. It was noted that the complainant was present. Mr. Phelan asked the complainant if he wished to comment. The complainant replied in the affirmative. The complainant stated that he was not asked to exit the vehicle, but rather a gun was pointed at his head and he was struck with the gun. The complainant further stated that this was hidden from the gas station's camera. He reiterated that force was used on him when he was behind the vehicle, which was located at the camera's blind spot. The complainant also stated that while in handcuffs a police supervisor grabbed his testicles. The complainant stated that he was subjected to two (2)

different counts of excessive force. Chairman Smart asked what kind of patrol car initiated the traffic stop. The OPS responded that an APD K9 Unit initiated the stop and those units are not equipped with DVRs. The OPS further reported that the stop was initiated because officers on foot had witnessed the complainant commit vehicle and traffic violations and radioed to area officers that the officers wanted the vehicle pulled over. The officer who asked for the vehicle to be stopped did not supply a reason for the need to stop the complainant's vehicle and therefore the responding officers did not know what to expect. That is why the responding officers had their weapons drawn. The OPS further noted that the complainant was ticketed for the violations that were originally observed. Chairman Smart asked Detective Hendrick if it was proper protocol for K9 Units not to be equipped with audio recording equipment. Detective Hendrick replied that K9 Units and Detective Units are not equipped with recording equipment. Chairman Smart asked if those vehicles were supposed to have that equipment. Detective Hendrick responded that she did not know if those units were supposed to have that equipment and that she does not think policy clearly states whether or not those units must have that equipment. Chairman Smart stated that if K9 Units are going to be used for traffic stops then they should have audio recording equipment. The OPS stated that in the general course of work for the vehicles that do not have audio recording equipment, that equipment would not be beneficial in most cases.

Chairman Smart asked the complainant if he stopped at the gas station to get gas. The complainant replied in the affirmative. The complainant stated that the car was in park when the first police vehicle arrived. The complainant further stated that the car was turned off and was in park when he was struck in the head with a gun by a police officer on a bicycle. Detective Andrew Montalvo disputed this version of the events. He stated that the complainant's version of the events is inconsistent with the video obtained from the gas station. Detective Montalvo stated that the video showed that the car was still in motion and the complainant's car had tinted windows, so the officers approached the vehicle with their guns drawn. Mr. Pierre-Louis stated that he disagreed with the OPS. Mr. Pierre-Louis further stated that the video showed the vehicle was not moving when the officer instructed the complainant to exit the vehicle. There was some disagreement between Mr. Pierre-Louis, the complainant, and Detective Montalvo as to whether or not the complainant's vehicle was moving when the complainant was ordered to exit his vehicle. Mr. Phelan asked if there were any questions from the Board. It was noted that there were no questions from the Board.

Andrew Phelan moved to concur with the OPS finding of *unfounded* for the use of force allegation, where the review shows that the act or acts complained of did not occur or were misconstrued. Anthony Potenza seconded the motion. The motion carried unanimously.

Andrew Phelan moved to concur with the OPS finding of *not sustained* for the conduct standards allegation, where the review failed to disclose sufficient facts to prove or disprove the allegation made in the complaint. Chairman Edward Smart seconded the motion. The motion carried unanimously.

CPRB No. 36-11/OPS No. CC 2011-116 (Presented by Marilyn Hammond)

Marilyn Hammond summarized the complaint. The complaint alleged that he was changing a flat tire when he was given an appearance ticket by an officer who is consistently discriminating against him because of his nationality and poor ability to communicate. The complainant alleges that the officer told him that the officer would make him move away one way or another and that the officer consistently harasses the complainant.

Ms. Hammond reported that she reviewed the following items: Confidential Report; Call Sheet; Appearance Ticket; Three (3) E-Mails from Neighbors; IDC; and Witness Report.

Ms. Hammond summarized the OPS finding for the conduct standards allegation as *not sustained*, where the review fails to disclose sufficient facts to prove or disprove the allegation made in the complaint. Based on the OPS investigation, the officer's actions were prompted in part by requests from an individual in the neighborhood who asked the officer to take action in reference to the matter. The complainant's relative, who witnessed the events in question, stated that the officer was very respectful and did not in any way treat the complainant in a biased manner. The other officer on the scene stated that the officer in question was respectful throughout the ordeal as well. The officer issued one ticket when it would have been appropriate to issue several. The vehicle that the complainant was working on was unregistered, uninsured, and had switched license plates on it.

Ms. Hammond noted that there is a law which prevents people from performing auto repairs in the streets of Albany and that the complainant violated that law. Chairman Smart asked for clarification on the law that the complainant allegedly broke. Chairman Smart stated that he wanted to know if all car repairs, including changing a flat tire were illegal on the streets of Albany. The OPS stated that the officer involved in the complaint noted that much more work was being done on the car than just fixing a flat tire. Marilyn Hammond moved to agree with the OPS finding of *not sustained* for the conduct standard allegation. Chairman Edward Smart seconded the motion. The motion carried unanimously.

CPRB No. 17-11/OPS No. CC2011-043 (Presented by Andrew Phelan, Jr.)

Andrew Phelan, Jr. summarized the complaint. The complaint was received on March 18, 2011 and involved one allegation of call handling. The complainant alleged that she

was wrongfully issued a ticket due to the fact that she was a white woman in a nice car with a black man. The complainant further alleged that the officer was picking on her and was using his authority inappropriately.

Mr. Phelan summarized the OPS finding as *unfounded* for the call handling allegation. Based on the OPS investigation, the video from the officer's mobile DVR clearly showed that the complainant's vehicle was in violation of obstructing the intersection. The complainant pleaded guilty to a lesser charge and paid a fine as a result of the ticket. The passenger in the car, who witnessed the entire event, stated that he did not feel the officer was motivated by race or gender. APD records indicated that the officer has issued numerous tickets for the same violation and a large number of them were issued within the area of where the incident occurred. The officer denied targeting the complainant. There is no evidence to suggest the complainant was singled out for any bias or racially motivated reasons. The officer told the complainant that she could have backed up out of traffic because no cars were behind her.

Andrew Phelan, Jr. moved to concur with the OPS finding of *unfounded* for the call handling allegation. Marilyn Hammond seconded the motion. The motion passed unanimously.

CPRB No. 32-11/OPS No. CC2011-107 (Presented by Chairman Edward Smart)

Chairman Edward Smart summarized the complaint. The incident took place on March 17, 2011. The complaint alleged that an officer was rude and disrespectful to her and the same officer tried to push her away with his arm.

Chairman Smart reported that he reviewed the following documents: Confidential Report; Defining Criminal Trespassing 140.10; Sworn Statements; Citizen's Complaint Form; and Neighborhood Engagement Unit Report.

Chairman Smart stated that a monitor was not assigned to this case. He summarized the OPS finding for the conduct standards allegation as *unfounded*, where the review shows that the act or acts complained of did not occur. The complainant alleged that an officer was rude and disrespectful. Based on the OPS investigation, the officer denied acting unprofessional in any way towards the complainant. Both witnesses stated that the officer was professional and courteous towards the complainant. Although the complainant used profanity, the officer maintained a professional manner. The complainant did not have an entrance key and entered with a resident of the building. The officer asked for identification and the complainant refused to provide it. The complainant admitted to not having a New York State license on her and/or opted not to provide it. The officer had a right to question the complainant and to insure the safety of all of the tenants. Officers routinely patrol within City Housing to ensure the safety of all the residents. Chairman Edward Smart moved to concur with the OPS finding of

unfounded for the conduct standards allegation. Anthony Potenza seconded the motion. The motion carried unanimously.

Chairman Smart summarized the OPS finding as *unfounded* for the use of force allegation. The complainant alleged that the officer tried to push her away with his arm. Based on the OPS investigation, the officer denied initiating any physical contact with the complainant. Both witnesses stated that the officer did not have any physical contact with the complainant. Chairman Edward Smart made a motion to concur with the OPS finding of *unfounded* for the use of force allegation. Marilyn Hammond seconded the motion. The motion carried unanimously.

CPRB No. 37-11/OPS No. CC2011-120 (Presented by Anthony Potenza)

Anthony Potenza summarized the complaint. The complainant alleged a violation of conduct standards on October 25, 2011. The complainant further alleged that on an assistance call, the officer was loud, rude and biased.

Mr. Potenza reported that he reviewed the following documents: Citizens Complaint Form; Civilian Complaint Report; OPS Confidential Report; Disciplinary Advice of Rights to the Officer; and Call Ticket.

Mr. Potenza asked if the complainant was present. It was noted that the complainant was not present.

Mr. Potenza summarized the OPS finding as *unfounded*, for the conduct standards allegation that when her estranged husband arrived to secure property, an officer was loud, rude and biased. Based on the OPS investigation, this contradicts statements made by the officer, witnesses and the complainant's husband, that it was the complainant who was loud, rude and uncooperative. They also stated that the officer was courteous and respectful. However, the complainant and the complainant's sister felt that the officer was rude. The sister stated that she had to convince the complainant to turn over the property that rightfully belonged to the complainant's estranged husband.

Anthony Potenza moved to concur with the OPS finding of *unfounded*, where the act or acts complained of did not occur or were misconstrued. Marilyn Hammond seconded the motion. The motion carried unanimously.

CPRB No. 40-11/OPS No. CC2011-126 (Presented by Eugene Sarfoh)

Eugene Sarfoh summarized the complaint. He reported that the complaint was received on December 6, 2011. The complaint stems from an incident that occurred on November 11, 2011. The allegations in this complaint involved conduct standards and call handling allegations. The complainant alleged that an officer was rude to her and the officer failed to complete a thorough investigation into a traffic accident that the complainant reported.

Mr. Sarfoh reported that he reviewed the following documents: Call Ticket; Police Accident Report; NV104A Report; APD Call History; OPS Confidential Report; Citizen Grievance Report; and Witness Statements.

Mr. Sarfoh reported that the complainant was with her mother and they were in front of the mother's residence when their parked vehicle was allegedly struck by a neighbor's vehicle, while the neighbor was in reverse. The complainant approached the female driver and insisted that her vehicle had been struck, which the neighbor denied. The complainant insisted that she be provided with the neighbor's insurance information to which the driver declined, stating that there had been no accident. At this point a call was made to the police. Following the call the police did not respond and it was not until the husband of the neighbor arrived and called police that the police arrived. Based on the OPS investigation, the Call History indicated that the second call to police occurred twelve minutes after the first. The police arrived less than ten minutes after the first call. When the officer arrived, it was unclear what exactly the circumstances of the incident were. The officer observed the scene to try and ascertain what had happened. The officer looked at both vehicles and determined that there was no damage to the neighbor's vehicle and a scratch on the complainant's vehicle.

Mr. Sarfoh summarized the OPS finding for the conduct standards allegation as ***not sustained***. The complainant alleged that the officer who responded was unprofessional and rude. Based on the OPS investigation, the officer denies being unprofessional in any way. The complainant's witness stated that the officer yelled at the complainant but then was very polite. The other witnesses stated that the officer was polite throughout the ordeal and that it was the complainant who was disrespectful. Mr. Sarfoh stated that from the 911 call, the complainant sounded very agitated.

Mr. Sarfoh stated that he agreed with the OPS finding of ***not sustained*** regarding the conduct standards allegation. Eugene Sarfoh moved to concur with the OPS finding of ***not sustained*** for the conduct standards allegation. Marilyn Hammond seconded the motion. The motion carried unanimously.

Chairman Smart asked Mr. Sarfoh if he watched any video of the incident. Mr. Sarfoh responded that there was no reference to whether or not video was available and also noted that this case was not assigned to a monitor. OPS Detective Battuolo responded that there is no video of this incident. He further stated that officers are not mandated to provide video for calls of this nature. Officers are allowed to turn on their cameras but they are not mandated to do so with calls of this sort.

Mr. Sarfoh summarized the OPS finding of ***unfounded*** for the call handling allegation that the officer did not perform a thorough investigation of the incident. Mr. Sarfoh stated that it is clear the complainant did not agree with the officer's conclusions.

However, the officer properly filed a Police Accident Report and indicated his observations on the report. Eugene Sarfoh moved to concur with the OPS finding of ***unfounded***. Marilyn Hammond seconded the motion. The motion carried unanimously.

B. Appointment of New Members to the Committee on Complaint Review for June 2012

The following Board members were appointed to the Committee on Complaint Review for June 2012: Mickey Bradley, Marilyn Hammond, Andrew Phelan, Jr., Anthony Potenza, Eugene Sarfoh and Chairman Edward Smart.

C. Committee/Task Force Reports

By-Laws and Rules

Committee Chairman Edward Smart stated that he had nothing new to report.

Community Outreach

Chairman Edward Smart stated that Committee Chair Akosua Yeboah was not present. He reported that a meeting for this committee is scheduled for May 21 at 7:30 p.m. with the NAACP. Chairman Smart stated that Committee Chair Yeboah would be at that meeting.

Mediation

Coordinator of the Board Sharmaine Moseley reported that an email has been sent to the union representatives regarding the mediation protocols and she is waiting to hear from them before scheduling a meeting.

Police Department Liaison-Policy Review/ Recommendations

Committee Chairman Andrew Phelan stated that he had nothing new to report.

Public Official Liaison

Committee Chairman Edward Smart stated that he had nothing new to report.

Task Force on Monitors

Chairman Edward Smart stated that Task Force Chair Akosua Yeboah was not present. In her absence, Coordinator of the Board Sharmaine Moseley reported that a monitors meeting was scheduled for Thursday, May 24, at 6:00 p.m.

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 included in tonight's packets is the complaint database scorecard. As of today, there are currently twenty-nine (29) active complaints before the Board for review. Of those twenty-nine (29) active complaints, eight (8) were reviewed and closed by the Board at tonight's meeting and one (1) was closed without review. This leaves the Board with twenty (20) active complaints. There are four (4) complaints ready to be reviewed at the next meeting.

It was reported that five hundred and nine (509) complaints have been closed. The total number of complaints that remain suspended from review is sixteen (16). The total number of complaints filed to date is five hundred forty-five (545).

It was further reported that since the Board's last meeting, the Government Law Center (GLC) received three (3) grievance forms, bringing the total number of forms received to three hundred and twenty-one (321). In response to the GLC's outreach to all individuals, the GLC has received eighty-nine (89) Citizen Police Review Board (CPRB) complaint forms.

NACOLE

It was reported that Chairman Edward Smart, Maritza Martinez and Marilyn Hammond are registered to attend this year's NACOLE conference in San Diego, CA. It was further reported that these members will receive an email from the GLC regarding travel reimbursement for the conference.

APD Ride-Along

It was reported as a reminder that Board members should participate in at least one ride-along per year. Mr. Sarfoh stated that he is hoping that he will complete his ride-along next week.

E. Report from the Office of Professional Standards

OPS Detective Kathy Hendrick reported that the OPS is diligently working to close cases in addition to currently helping the Albany Fire Department.

F. Report from the Chair

Chairman Edward Smart reported that the Board has been contacted by the City of Syracuse to model their Board after Albany.

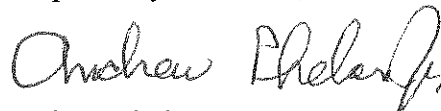
VI. Public Comment

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

VII. Adjournment

Chairman Edward Smart moved to adjourn the meeting. Marilyn Hammond seconded the motion. The motion carried unanimously. The meeting adjourned at 8:00 p.m.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Andrew Phelan, Jr.", written in dark ink.

Andrew Phelan, Jr.
Secretary