

City of Albany
Citizens' Police Review Board
GWU the Center
274 Washington Avenue – Teen Center Community Room
June 20, 2013
6:00 p.m. - 8:00 p.m.

Present: Marilyn Hammond, Maritza Martinez, Eugene Sarfoh, Reverend Edward Smart, and Akosua Yeboah

Absent: Mickey Bradley, Anthony Potenza, and David Rozen

I. Call to Order and Roll Call

Chairman Edward Smart called the meeting to order at 6:03 p.m.

II. Approval of the Agenda

The agenda was reviewed. Akosua Yeboah moved to approve the agenda. Maritza Martinez seconded the motion. The motion carried unanimously.

III. Approval of the January 10, 2013 Meeting Minutes

The January 10, 2013 meeting minutes were reviewed. Akosua Yeboah moved to approve the January 10, 2013 meeting minutes. Eugene Sarfoh seconded the motion. The motion carried unanimously.

IV. New Business

A. *New Complaints*

1. New Complaints Received since the May 16, 2013 Meeting

Chairman Edward Smart reported that the Board received seven (7) new complaints since its May 16, 2013 meeting. Board secretary Akosua Yeboah read the new complaints.

CPRB No. 14-13/OPS No. CC2013-042

According to the complainant, on May 15, 2013, officers allegedly questioned the complainant after responding to a call for loud music. The officer allegedly asked the complainant for her ID and who was in the house. When the complainant responded to his questions, the officer allegedly called for backup. The backup officers arrived and they all allegedly entered the complainant's house and went through her cabinets. The complainant alleges that the officers had no right to enter her home and search through her stuff. The complainant further alleges that the officer harasses her friends when they

visit her home as well as follow the complainant as she is driving. The complainant believes that the officer is harassing her because he has a personal vendetta against her boyfriend.

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

CPRB No. 15-13/OPS No. CC2013-044

According to the complaint, on May 11, 2013, she received a phone call from the Albany Police Department informing her that her son was in custody because he was at the scene of a shooting. When the complainant got home, the officers had her son in handcuffs. The officer allegedly told the complainant that her son fit the profile of the suspect because of the way he was running. The complainant alleges that the officer told her that her son took a tumble that knocked out his two front teeth. The complainant's son told her that two officers were calling him and his friends names. The son began to run and they caught up to him. He got down on the ground and the officers allegedly kicked him in his back and head. The kick to his head caused his two front teeth to get knocked out.

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

CPRB NO. 16-13/OPS CC2013-038

According to the complainant, on April 1, 2013, she was stopped on Lark and Orange Street outside of a store because she was talking to a friend. The complainant alleges that an officer drove around the block, parked his patrol car on the opposite side of Lark Street and then stared at the complainant. According to the complainant, as she drove away, the officer allegedly followed her for several blocks and almost rear-ended her car. The officer continued to follow the complainant until he allegedly pulled the complainant over. The complainant told the officer that she had a right to know why he pulled her over and why he was harassing her. The officer ticketed the complainant for inadequate signal and aggravated unlicensed operator. The complainant alleges that the officer harassed and profiled her for stopping at the store and conversing with a friend of hers. The complainant pled "not guilty" to the ticket but the paperwork that was sent to her says "guilty."

It was noted that a monitor was assigned to investigate this complainant.

CPRB No. 17-13/OPS No. CC2013-048

According to the complainant, on April 3, 2013, a detective allegedly attacked him as he got out of his car, which caused him to hit his head. One of the detectives allegedly had his knees on the complainant's back while the other had his boot on the complainant's head. After the complainant asked several times why he was being arrested and ignored, the detectives allegedly told the complainant that it was all a misunderstanding. While at

the station, the complainant alleges that he was improperly strip searched by three (3) to four (4) detectives. The complainant further alleges that a detective threatened to taser him if he made a wrong move. The complainant claims that the detectives violated his rights and used inappropriate language towards him. The complainant further claims that he was threatened, verbally assaulted, and the detectives failed to read him his rights.

*It was noted that a monitor **was** assigned to investigate this complaint.*

CPRB No. 18-13/OPS No. CC2013-052

According to the complainant, on May 9, 2013, an officer approached him and allegedly said directly in his face, "You don't know me that well...I'm not that nice." The complainant alleges that the officer said this to him to intimidate him, harass him and threaten him. The complainant further alleges that as the officer walked by the officer forcefully bumped the complainant's arm.

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

CPRB No. 19-13/OPS No. CC2013-054

According to the complainant, on May 8, 2013, he received a phone call from his landlord stating that she just received a phone call from the police inquiring if he still lived in his apartment. The complainant alleges that the police were investigating his residence for political purposes. The complainant knows the officer who made the call because he used to work with him in a different capacity.

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

CPRB No. 20-13/OPS No. CC2013-047

According to the complainant, on May 19, 2013, police tased and arrested her son. When the complainant arrived on the scene, she saw her son and nephew being detained, so she asked what they were being charged with. The officers allegedly told her that she would be informed of the charges once she got to the station because they could not do it on the scene. After insisting that the officer tell her, the officer told her and asked her to leave the scene. The complainant alleges that as she was leaving the officer was standing on her shoe and pushing her back. The complainant further alleges that the officer threatened to arrest her and made a comment about children acting the way they act because of their parents. The complainant claims that the officer admitted to making that comment because she is black.

*It was noted that a monitor **was** assigned to investigate this complaint.*

2. Complaint(s) for Board Review

CPRB No. 49-12/OPS No. CC2012-122 (Presented by Eugene Sarfoh)

Eugene Sarfoh stated that this complaint involves allegations of arrest authority and procedures, conduct standards, and use of force. Mr. Sarfoh further stated that the complainant alleged that he was wrongfully arrested for a crime he did not commit. The complainant further alleged that, after asking several times for his backpack from officers, he was pushed to the ground, abused, and was not resisting arrest. Mr. Sarfoh further stated that the complainant alleged that the officers used profanity, called him names, and that he sustained injuries throughout his body and face.

Mr. Sarfoh noted that monitor William Van Valkenburg was appointed to this case.

Mr. Sarfoh stated that this case was complicated because of the number of people on the scene and by the influence of alcohol on the complainant and others involved.

Mr. Sarfoh reported that he reviewed the following documents: twelve (12) page OPS Confidential Report; Citizen Complaint Form; Sworn Statements; Call Ticket; APD Subject Resistance Report; Booking and Arrest Reports; information regarding charge complainant was charged with; Inter-Departmental Correspondences (IDC); and the APD Investigation Report that confirmed photos were taken of complainant on the day following incident. Mr. Sarfoh reported that he did not review the photos.

Mr. Sarfoh summarized the complaint. The complainant was out with two friends celebrating Halloween. All were dressed up for Halloween, when this incident happened on October 28, 2012. Over the course of the evening, the complainant and his friends had been at one or more house parties and were coming from a bar when this incident happened. The complainant and his friends were walking when several people at a house called out to the complainant and his friends and began making derogatory remarks regarding the complainant's costume. This resulted in a physical altercation between the complainant and one of the males at the residence. The friends of the complainant joined in the fight. This eventually became a melee, with as many as three to five people involved. Mr. Sarfoh stated that the police were out that night, and were on the scene quickly and stopped the fight. They eventually left with the three who were coming from the bar, including the complainant.

Mr. Sarfoh stated that based on the OPS investigation, one of the females with the complainant was upset and belligerent that her friend has just been attacked and the alleged assailants had run off. Mr. Sarfoh further stated that she became confrontational with the police and was placed under arrest. As she was being arrested, the complainant allegedly confronted the police because he was upset that his friend was being arrested. Mr. Sarfoh stated that the friend had in her possession a backpack that belonged to the

complainant. The complainant allegedly insisted on retrieving the backpack from the friend. Mr. Sarfoh stated that the police allegedly told the complainant that they couldn't allow it because the police retrieved the backpack from the friend. The police could not give it to the complainant, so there was a dispute regarding whether the complainant was going to get the backpack back. He ultimately did not. Mr. Sarfoh further stated that the belligerence level was high during the exchange regarding the backpack and resulted in the complainant being arrested.

Mr. Sarfoh reported that the complainant alleged that he was spoken to in a derogatory manner, sworn at, abused and manhandled by the police which resulted in him being injured. Mr. Sarfoh further reported that photographs were taken the next day, confirming small abrasions to the complainant's forehead and some injuries to his shoulder. Mr. Sarfoh stated that there is a dispute as to the source of the cuts and abrasions. Mr. Sarfoh stated that the police admitted that the forehead abrasions were the result of the complainant being taken down to affect the arrest. The police believe that the other injuries were the result of the initial fight that the police broke up.

Mr. Sarfoh stated that all the officers that were involved in the arrest and several others on the scene were interviewed and there was a canvas of the area that did not reveal any additional information. Mr. Sarfoh further stated that there was an attempt to confirm and review any security/surveillance video recordings from St. Rose, APD and a local restaurant, but there were no recordings of the incident. Mr. Sarfoh stated that there was some information obtained from the dash camera in the police vehicle and it confirmed, as best as he could tell, that the complainant was unsteady on his feet, but beyond that, Mr. Sarfoh could not determine a sequence of events and what ultimately happened.

Mr. Sarfoh stated that the events—including the complainant's friend's behavior and the fight—drew a crowd of spectators. Mr. Sarfoh stated that a monitor was assigned to the case and the monitor was present. Monitor William Van Valkenburg stated that this is a case of "he said, she said" and revolves around testimony. He further stated that the investigators had thought for a time that there was video of the incident since it took place in front of a College of St. Rose security camera but the College of St. Rose only kept the film for a week. Mr. Van Valkenburg also stated that the testimony that does exist for this case is colored somewhat by admitted use of alcohol and estimates vary of who drank how much. Mr. Van Valkenburg stated that he believed the story that the complainant and his two friends were set upon for whatever reason and a fight ensued, despite conflicting reports of how many people attacked the complainant and how the complainant ended up on the ground. Mr. Van Valkenburg further stated that the police were on the scene within seconds, because they were further down the street near the scene. As soon as the police arrived, the assailants fled the scene. Mr. Van Valkenburg stated that he believed the altercation with the assailants left the complainant shoeless and without his backpack, which his friend picked up. There are two dash cam views of the

complainant proceeding over to the scene. Mr. Van Valkenburg further stated that the dash cams show that the complainant is unsteady but not ranting and raving. Mr. Van Valkenburg also stated that one of the officers allegedly asked the complainant if he needed medical attention, since he did have swelling and bruising, and that the complainant allegedly declined the medical attention. Mr. Van Valkenburg stated that only the complainant, his friends, and the officers were on the scene. The complainant and his friends had clearly been drinking and at 2:30 in the morning just wanted to go back to the St. Rose dorms. The complainant and his friends did not want to leave the scene because they felt they had a grievance over being attacked, but the police wanted them to move along in the interest of keeping order. The complainant and his friends became angry that the officers wanted them to leave, especially the female friend, who began yelling obscenities, like "Why don't you do your f***ing job." Mr. Van Valkenburg stated that the police had had enough of it and arrested her. The female friend had picked up the complainant's backpack and shoes and the complainant wanted the backpack back to get his cellphone and wallet because he was under the impression he would have to bail her (his girlfriend) out of jail. Initially the officers did not give the backpack to him because it was in the friend's possession and they would not do so without checking it out. So they told the complainant and his other friend to move on or they would be arrested as well. The complainant admitted to moving away three or four times but returning each time to ask for the backpack. According to the officers, the complainant got in their face and would not move when asked, resulting in him being placed under arrest. The complainant allegedly resisted arrest and the officers used a straight arm technique to bring him to the ground. The friend who had already been arrested said she could not see what was happening but could hear the officers telling the complainant to move away.

Mr. Van Valkenburg stated that the complainant filed the complaint either later that night or the next day and included photographs of his injuries, which he did not see. Mr. Van Valkenburg further stated that he interviewed the complainant fairly early in the process and could see for himself the injuries as they were healing, which the complainant and his friends allege were from the officers taking him down to the ground. Mr. Van Valkenburg further stated that the officer acknowledged that the complainant did sustain a bruise to the forehead as a result of them taking him to the ground but the officer alleged that the complainant already had injuries, due to the street fight, when the officer arrested the complainant. The complainant said that the street fight was minor and he was not injured during the fight, and that the officer said that the complainant was already injured, due to the fight, at the time of the arrest.

Mr. Van Valkenburg stated that one issue was the language used by the police, which the senior officer agreed that the officer made derogatory remarks regarding college students. Mr. Van Valkenburg further stated that the statements that the officer admitted to are not

the same as the ones the complainant and his friends alleged but the statements were severe enough to violate policy. One of the complainant's friends alleged that as the officers were arriving on the scene and the fight was breaking up, the officers referred to her and her friend as "sluts," and "whores." Mr. Van Valkenburg further stated that the other witnesses did not allege these comments by the police, so he personally believed that this particular witness, who alleged that the comments were made by the police, was confused by the scene and that these comments in question came from the alleged assailants. Mr. Van Valkenburg also stated that the other friend alleged that the friend who attributed these comments to the police had had the most to drink that night. Mr. Van Valkenburg further stated that the complainant and his friends all claim to not have been drunk and to have been in control that night, but that the complainant himself estimates that he had seven or eight beers and several shots.

Mr. Van Valkenburg stated that because of the use of alcohol and the lack of evidence to the contrary, he agreed with the OPS findings. Mr. Sarfoh asked if the complainant was present. It was noted that the complainant was not present.

Mr. Sarfoh stated that there were three allegations against the APD officers. He summarized the OPS finding for the first arrest authority and procedures allegation as *exonerated*, where the acts which prove the basis of the complaint occurred but the review shows that such acts were proper. The complainant alleged that he was wrongfully arrested for a crime he did not commit and the arrest report had false statements of him causing inconvenience, noise, and alarm to the public. Mr. Sarfoh reported that based on the OPS investigation, the officers encountered the complainant after the complainant was in a fight and the officers described the complainant as extremely intoxicated. Mr. Sarfoh further stated that the review showed that complainant admitted he consumed eight beers and a few shots starting around 10 p.m. and that when approached by the officer, the complainant yelled, "Do your f**king job and catch the people who beat me up." Mr. Sarfoh stated that the review also showed that the complainant continued to scream irrationally. His friends dragged him away and this behavior continued when the complainant and his friends encountered the other officers. The other officers all say that the complainant refused all the lawful orders after his friend was arrested. Mr. Sarfoh stated that the officers said it was in the early hours of the morning and people had started to come out of their houses to see what was going on. At one point the complainant was in the roadway, screaming obscenities, and causing groups to gather. Mr. Sarfoh stated that he agreed with the OPS finding of *exonerated*. Eugene Sarfoh moved to concur with the OPS finding. Marilyn Hammond seconded the motion. The motion carried unanimously.

Ms. Yeboah asked the monitor if the witnesses that he got information from were part of the ongoing OPS investigation or did he interview any independent witnesses. The monitor stated that the only independent interview he conducted was with the male

witness when he disclosed there was a security camera placed to cover the area. The monitor stated that he and the detective drove to the College of St. Rose and ascertained that the camera was right there and that the tape had already been disposed of.

Mr. Sarfoh summarized the OPS finding for the conduct standards allegation as **sustained**, where the review disclosed sufficient facts to prove the allegations made in the complaint. The complainant alleged that he was called a f***ing scumbag, <<inaudible>> and a piece of s**t. Mr. Sarfoh reported that one of the complainant's friends alleged the officer said that he had been dealing with f***ing college kids like him for twenty (20) years. Based on the OPS investigation, the supervisor admitted to saying something to the effect of calling them "college <expletive>" or "<blank>-ing college kids." Eugene Sarfoh moved to concur with the OPS finding of **sustained**. Chairman Edward Smart seconded the motion. The motion carried unanimously.

Mr. Sarfoh summarized the OPS finding for the use of force allegation as **unfounded**, where the review shows that the act or acts did not occur or was or were misconstrued. The complainant alleged that he was pushed, abused and beaten by more than one officer and "pushed back by a young rookie officer." He was allegedly pushed one more time and then thrown to the ground. An officer's knee was allegedly on the back of his neck. The complainant's left arm was under him so he could not get it out. The cop allegedly said, "Stop resisting, scumbag." The complainant was handcuffed and put on the hood of a cop car. Based on the OPS investigation, two of the officers stated they both pushed the complainant away after he had been given multiple lawful orders to leave. Mr. Sarfoh further reported that the officers described grabbing the complainant by the arms. The complainant sustained the laceration to his forehead as a result of being brought to the ground. After interviewing the other witnesses, the other injuries the complainant had were more consistent with the fight he had prior to this police contact. Eugene Sarfoh moved to concur with the OPS finding of **unfounded**. Marilyn Hammond seconded the motion. The motion carried unanimously.

Ms. Martinez stated that she had a comment. She wondered if this situation had been handled differently by an officer on the scene, would there have been a different outcome. She further stated that by reading the reports and the witness statements, this young man was attacked because of whatever was happening that night. Ms. Martinez stated that the complainant and his friends wanted to file a complaint and the complainant was dismissed and they were told to leave the scene and come back tomorrow to file the complaint. The Board does not know what the outcome might have been had the initial request to file a complaint was done, because he had just been attacked.

Mr. Sarfoh stated that based on his review of the file, it was not clear that the complainant and his friends were seeking to file a complaint. They were walking by a house when people on the porch started yelling gay slurs at him. One of the people left

the porch and a physical altercation ensued, which the other friends join in on. Mr. Sarfoh stated that it was not a matter of the friends trying to stop the fight. There was an indication that at least two others were engaged in the fight with the complainant and others were trying to pull them off. Mr. Sarfoh further stated that the fight started and police were on the scene quickly because it was Halloween, people are out and there is a police presence. Mr. Sarfoh stated that when the police responded to the scene, those who had been on the porch ran from the scene. The complainant, as he was gathering himself and his belongings, confronted the first group of officers that responded and there was an exchange between them. Mr. Sarfoh stated that the complainant was in a heightened state—he had just been attacked and called names, along with his friends—and that it was not a simple, “We would like to file a complaint,” but more like, “We’ve been attacked, go get them.” Mr. Sarfoh stated that the police’s reaction was, “Everyone just move along,” and that a confrontation ensued with, to the best of Mr. Sarfoh’s understanding, a new group of officers on the scene, because the complainant and his friends were still upset. Mr. Sarfoh stated that one of the female friends was still upset, screaming and belligerent as she walked away. Mr. Sarfoh further stated it was not a simple, “We’d like to file a complaint, go get them,” but it was more, “We’ve just been attacked, we’re upset, we’re screaming.” Mr. Sarfoh stated that the officers were frustrated with the response by the complainant and his friends and it ended up with the complainant getting arrested because he wanted his backpack back that the officers took from the female. The officers were unwilling to give the complainant the backpack because they were not sure what was in it or if he gave it away and they just did not know the situation with the pack.

Ms. Martinez stated that several of them said they were trying to tell the story using just words and the officers just did not want to hear the story and instructed them to move along. Ms. Martinez further stated that one version of the story was the complainant and his friends telling the officer, “We’ve just been attacked,” and the officer responded, “I don’t want to hear your story, get out of here.” She further stated that she wonders if it could have ended differently if the officer had told the complainant and his friends, “Come down to the precinct tomorrow and file a complaint.” Mr. Sarfoh stated that the discussion was not, “We want to file a complaint,” but rather it was the kind of language that the Board prefers not to have repeated during the meeting. It was more along the lines that the complainant and his friends were angry, upset at being attacked and frustrated that the people who did it ran off. The frustration with the officers resulted from the attackers not being caught and dragged back to the scene. Mr. Sarfoh stated that one of the officers indicated they would have probably given the backpack back to the complainant if the complainant had given them the opportunity to step back, assess the scene and determine what was in the backpack. However, the complainant’s belligerent back and forth with the officers drew a crowd and escalated the situation that led to his arrest. The detective stated that the first set of officers and the second set of officers

offered to get medical assistance for the complainant, who was belligerent and uncooperative. Chairman Smart stated that he thinks that the Board should be clear in that officers ought to be sensitive and training ought to take place. Chairman Smart further stated that this is an allegation that is sustained but that the officer admitted to using improper language. Chairman Smart asked the detective if this case had gone back to the officer and if the officer had participated in some training regarding proper language use. The detective replied that he could not say.

CPRB No. 60-08/OPS No. CC06-527 (Presented by Chairman Edward Smart)

Chairman Edward Smart summarized the case. The complainant alleged that he was tased for no reason, falsely arrested, and discriminated against by officers. This incident involved officers responding to a fight with approximately sixty (60) people. The officers' responsibility was to control the situation, stop the fighting and disperse the crowd.

Chairman Smart reported that he reviewed the following documents: Citizen Complaint Form; OPS Confidential Report; two Call Records; four arrest records all dated 8/15/2006; Mug Shots; Field Incident Report; two Subject Resistance Reports; two Property Reports; two Admission Screening Reports; Suicide Prevention Report; Prevention Screening Guideline; and sixteen (16) Inter-departmental Correspondence (IDC). It was noted that monitor Richard Lenihan was assigned to this case. It was further noted that the complainant was not present at the meeting.

Mr. Lenihan stated that since this incident happened seven years ago, he would be surprised if the complainant was present. He further stated that he became involved with the case five years ago. At that time a lawsuit was initiated by the complainant. Mr. Lenihan further stated that the City of Albany conducted their investigation, related to the lawsuit, which explained the two-year lapse in the OPS being allowed to move forward with the complaint. Mr. Lenihan stated that since the OPS was allowed to investigate the complaint, he had uncovered or been shown independent witnesses that could not tell one way or another what actually happened. Mr. Lenihan further stated that the large number of people on the scene made it difficult for police to control the crowd. The incident started off with someone stealing someone else's bicycle and supposedly one of the two brothers involved in the complaint was trying to intercede and get the people to stop.

Chairman Smart stated that when the Board is given a case that is years old, it is difficult to investigate the case. He commended the OPS for completing its work in a very timely fashion before the lawsuit was filed. Chairman Smart further stated that because of the lawsuit, the Board was not able to look at the case until 2013. This is one of the many cases that are still pending in the City of Albany. Chairman Smart further stated that he believes it is part of the Board's responsibility, along with the help of the city's counsel,

to see that these cases are completed and taken off the docket. Chairman Smart stated that once the Board was able to investigate the complaint, the witnesses were unreachable. Technology is now available to the Board that was not available in 2006. Chairman Smart stated that he spoke to the vice-chairman of the CPRB By-Laws committee about addressing situations like this. Chairman Smart stated that it seems that although the OPS did a thorough job with the investigation, it is difficult for the Board to make a judgment regarding an incident that happened in 2006. Chairman Smart reported that the officer who conducted the investigation is no longer with the OPS. He stated that the other officers involved in the incident may no longer be with the APD. Chairman Smart stated that the Board needs guidance, with the help of the city's law department, on how to move these cases or at least look at them on a case-by-case basis to determine if there is real investigative work needed.

Chairman Smart summarized the OPS finding for the use of force allegation as ***unfounded***, where the review showed that the act or acts did not occur or was misconstrued. The complainant alleged that he was tased for no reason. Based on the OPS investigation, the complainant was being taken into custody when he resisted his lawful arrest. The officer deployed the taser once and after doing so, the complainant complied and was taken into custody and placed in the back of a police car. Chairman Smart stated that he agreed with the OPS findings as ***unfounded***. He believed the officer deployed the taser once and after doing so, the complainant complied, was taken into custody and placed in the back of a police car. Chairman Smart further stated that he felt it was obvious that this particular incident was about the resisting of arrest by the complainant. Chairman Edward Smart moved to concur with the OPS finding. Marilyn Hammond seconded the motion. The motion carried unanimously.

Chairman Smart summarized the OPS finding for the arrest authority and procedures allegation as ***exonerated***, where the acts which provided the basis for the complainant occurred, but the review shows that such acts were proper. The complainant alleged that he was falsely arrested after being involved in a large fight and refused to disperse. Based on the OPS investigation, the officer stated that the complainant was publicly defiant by yelling obscenities and that the complainant not only resisted his own arrest by fighting with the arresting officers, but attempted to interfere with the arrest of his brother by grabbing the officer's arm while he was placing the brother into custody. Chairman Smart further reported that a trooper stated he verbally warned the complainant several times to stay back from the arrest of his brother and the complainant refused. Chairman Smart stated that many other officers and troopers saw the incident and agreed on what happened. Chairman Edward Smart moved to agree with the OPS finding of ***exonerated***. Marilyn Hammond seconded the motion. The motion carried unanimously.

Chairman Smart summarized the OPS finding for the conduct standards allegation as ***unfounded***, where the review showed that the act or acts that are the basis for the

complaint did not occur or were misconstrued. The complainant alleged discrimination and ignorance on behalf of the officers involved. Chairman Smart further stated that he did not believe there was an indication of discrimination. Based on the OPS investigation, the fight was observed by an off-duty lieutenant who summoned other officers to the scene and the parties there were arrested. Chairman Edward Smart moved to agree with the OPS finding of *unfounded*. Marilyn Hammond seconded the motion. The motion carried unanimously.

CPRB No. 14-08/OPS No. CC08-191 (Presented by Maritza Martinez)

Maritza Martinez summarized the complaint. She stated that this was a case that happened in 2008. It involved three allegations of use of force and four allegations of conduct standards. The complainant alleged that a few officers forced their way into the complainant's apartment. According to the complainant, when he told one of the officers that his attorney wanted to speak with the officers, the officer allegedly hung up the phone. The complainant further alleged that he was sprayed with mace and punched on his face, head and ribs ten (10) times and that an officer pushed his face in the elevator wall as they were escorting him out. The complainant claims that an officer stated, "I should kill you." While at the Albany County Jail, the complainant alleged that he was refused a phone call and medical treatment.

Ms. Martinez reported that she reviewed the following documents: Citizens Complaint Form; Confidential OPS Report; APD Report; Albany County Correctional Facility Injury Prior to Admissions Deposition Form; Correctional Medical Services Medical & Mental Health History & Screening Report; Booking Item 08-01201-15; Albany Medical Center Outpatient Physical Therapy Appointment Report; APD Inter-departmental Correspondence (IDC); APD Subject Resistance Report; New York State Arrest Record; Albany Memorial Hospital, Samaritan Hospital, and Albany Medical Center Reports; APD Report; POD Report; and Email and Attachment Report. It was noted that monitor Theresa Balfe was assigned to this complaint.

Ms. Balfe stated that she did get the opportunity to meet the complainant right after he filed the complaint in 2008. She further stated that the complainant was very despondent and "out of it." What the complainant stated during the interview and what he wrote in his complaint were very different. Ms. Balfe further stated that the complaint was suspended and Detective Hendrick took over the complaint when it was reopened in 2013. Ms. Balfe further stated that she followed the case and enjoyed being able to see the complainant, get a feel for him, and listen to his complaint compared to what he had written. Ms. Balfe stated that the report from the building manager gives credence to the complaint. This would have never happened had the complainant not trespassed and been deceitful in getting someone to reopen the locks after he had been evicted.

Chairman Smart asked Ms. Balfe when did the OPS complete its report. Ms. Balfe stated that the initial OPS report was completed in 2008, but that it was suspended before it was submitted. Chairman Smart then asked Ms. Balfe when she finished her report. Ms. Balfe replied that she did not do a report the first time because it was not officially signed off on. She could not do a report until May 2013. Chairman Smart asked if she was able to interview the complainant in 2013. Ms. Balfe stated that she interviewed him right after the incident along with Detective Murray and Detective Hendrick. Ms. Martinez stated that the case was suspended and reopened. Chairman Smart asked if the case was suspended after the interview but before or after the monitor's report. Ms. Balfe stated that the incident happened and the complainant was interviewed a few weeks after. Ms. Balfe further stated that she took notes during the interview and retained her notes. When the case was reopened in 2013, she was able to use her existing files to re-review the case with Detective Hendrick.

Chairman Smart stated that the point he was trying to make is that it is not optimal when there is this time span of many years with these cases. He understood that Mr. Jordan is trying to clear the docket and that is why the Board is hearing these old cases, but that something needs to be done about these cases. Chairman Smart further stated that the Board could use a little help and assistance with the City of Albany. Ms. Balfe stated that she had just received a 2007 case that had been reopened. Mr. Jordan stated that the Chairman should have a list of cases that were suspended due to actions by the district attorneys. Mr. Jordan further stated that once you get to 500 complaints, it comes out to be about three a year that have fallen through. Mr. Jordan stated that it is an unacceptable, but small, percentage.

Ms. Martinez continued with the summary of the complaint. She stated that most of the work on this case was done prior to the case being suspended. Ms. Martinez reported that on March 6, 2008, around 7 a.m., the complainant heard a knock on the door and they were saying, "Police! Police!" When the complainant heard that it was the police at the door, the complainant called his lawyer because he did not know why police officers were there. Ms. Martinez further stated that the complainant alleged that the officers came into the apartment and broke the chain on the door. The complainant further alleged that when the officers entered his residence, he told them his lawyer wanted to speak to them and handed them the phone. The officer allegedly took the phone and hung it up. Ms. Martinez further stated that the complainant said that as he was trying to get out of bed, an officer allegedly sprayed him with mace in both of his eyes and then the officer started beating him, punching him in his head, face and ribs ten (10) times, causing him to sustain a concussion. Ms. Martinez stated that the complainant alleged that as the officers were beating him, they were saying, "I should kill you," and they handcuffed him, took his arms as he was lying down, and put them in the back. The complainant said the officers pulled him up by his upper arms and pushed him out of his

apartment toward the elevator. There were three or four officers in the elevator who allegedly pushed his face into the elevator door. Ms. Martinez further stated that the complainant alleged that the officers never said why they were at his apartment and he never asked why they were there. According to the complainant, when he had gotten home and his key did not work, he called an after-hour Albany Housing Authority locksmith who let him in. Ms. Martinez further stated that the complainant alleged that while at the APD station, he was not allowed to make his first call, nor was he given medical treatment while he was at the Albany County Jail.

Ms. Martinez stated that the site manager reported receiving a call that the complainant was in his apartment and that he had been evicted three days earlier and the locks were changed. The site manager stated that the complainant used the after-hour locksmith because the after-hour locksmith did not have access to a list of evicted tenants.

Ms. Martinez reported that based on the investigation, the officers interviewed stated that they received a call to assist a site manager to escort an evicted tenant who was housed in the apartment. Ms. Martinez further stated that the officers stated that when they arrived, they knocked two to four times and yelled "Police." When the complainant did not open the door, the site manager opened it with his key. The officers stated that the chain was on the door, so they called out again to the complainant and busted through the door. Ms. Martinez stated that the officers said the complainant was in his bed, on the phone, and that the officers told him he needed to get off the phone because he was under arrest for trespassing. Ms. Martinez stated that the officers stated that the complainant said, "I'm not trespassing. I live here. Speak to my lawyer," and handed the officers the phone. The officer hung up the phone, the complainant leapt out of the bed, and the officer used his OC spray to subdue him. The officers stated that they attempted to handcuff the complainant but his arms were flailing back and forth. The officers used authorized pain tactics and were eventually able to handcuff the complainant. Ms. Martinez reported that the complainant was escort-carried to the elevator because he refused to walk and was escort-restrained against the elevator wall due to his refusal to stop struggling. Ms. Martinez further reported that the complainant was taken to the police station where he was booked.

Ms. Martinez summarized the OPS finding for the first count of conduct standards as *exonerated*, where the act or acts that provide the basis for the complaint occurred but review of the complaint shows that such acts were proper. The complainant alleged that the officers were knocking, banging, and broke the chain on the door. Based on the OPS investigation, the only reason why the APD was there was to assist the property manager of the Albany Housing Authority for a subject that was trespassing. If the complainant had not been trespassing, they would not have come. Maritza Martinez moved to concur with the OPS finding of *exonerated*. Chairman Edward Smart seconded the motion. The motion carried unanimously. Ms. Yeboah asked Detective Hendrick if the APD is

required to be shown proof of eviction prior to going into a residence in a situation like this. Detective Hendrick replied that the officers would have had to see paper work from the housing authority.

Ms. Martinez summarized the OPS finding for the second conduct standards allegation as *exonerated*, where the acts that provide the basis of the complaint occurred but review of the complaint shows that such acts were proper. The complainant alleged that the officer would not speak to the complainant's attorney on the phone. Based on the OPS investigation, the complainant had an obligation to comply with the APD's orders and that the APD does not have to comply with speaking to the complainant's attorney on the telephone. The APD's priority was to effectively place the complainant under arrest without incident. Maritza Martinez moved to concur with the OPS finding of *exonerated*. Eugene Sarfoh seconded the motion. The motion carried unanimously.

Ms. Martinez summarized the OPS finding for the first use of force (unnecessary force and use of OC spray) allegation as *exonerated*, where the acts that provide the basis of the complaint occurred but review of the complaint shows that such acts were proper. Based on the OPS investigation, the complainant was not being compliant and committed a crime and the APD was there to assist the housing authority to follow through with their rules and regulations when he trespassed. Maritza Martinez moved to concur with the OPS finding of *exonerated*. Chairman Edward Smart seconded the motion. The motion carried unanimously.

Ms. Martinez summarized the OPS finding for the second use of force (officers punched complainant in the face, head, and ribs ten times) allegation as *unfounded*, where the review shows that the act or acts complained of did not occur or were misconstrued. Based on the OPS investigation, the officer admitted that he, alone, had to strike the complainant's arms and back several times in an attempt to gain control and put him in the handcuffs. Ms. Martinez reported that none of the officers indicated that they had punched him in the face, head and/or ribs. When the mug shot was taken and Albany Medical Center did their investigations, there was no evidence of abuse of any kind. Maritza Martinez moved to concur with the OPS finding of *unfounded*. Marilyn Hammond seconded the motion. The motion carried unanimously.

Ms. Martinez summarized the OPS finding for the third use of force (injured while going to the elevator) allegation as *unfounded*, where the review shows that the acts complained of did not occur or were misconstrued. Based on the OPS investigation, the site manager said that there were no incidents in the hallways near the elevator. The complainant was against a wall face first and kept trying to move. Maritza Martinez moved to concur with the OPS finding of *unfounded*. Marilyn Hammond seconded the motion. The motion carried unanimously.

Ms. Martinez summarized the OPS finding as *not sustained* for the third conduct standards allegation that the officer stated “I should kill you” while punching complainant. Maritza Martinez moved to concur with the OPS finding of *not sustained*. Marilyn Hammond seconded the motion. The motion carried unanimously.

Ms. Martinez summarized the OPS finding as *no finding* for the fourth conduct standards allegation that the complainant was refused a call for medical treatment at the Albany County Jail. Ms. Martinez reported that the OPS finding was *no finding*, where there is no jurisdiction with the Albany County Jail. Maritza Martinez moved to concur with the OPS finding of *no finding*. Marilyn Hammond seconded the motion. The motion carried unanimously.

CPRB No. 47-12/OPS No. CC2012-111 (Presented by Eugene Sarfoh)

Eugene Sarfoh summarized the complaint. He reported that the complaint stemmed from an incident that happened October 1, 2012 at about 4:23 p.m. The complainant alleged that his landlord and police forced him to leave his address. The officers arrived at the complainant’s front door with pistols allegedly drawn and handcuffed the complainant. The complainant showed the police a notice of bankruptcy filing and told the officers a federal stay order was in place preventing his eviction. The complainant alleged that the officers told him the bankruptcy notice was generic and continued to evict him. The complainant was then uncuffed and ordered to remove his possessions.

Mr. Sarfoh stated that the allegation in this complaint is call handling. He reported that he reviewed the following documents: OPS Confidential Report; Complaint Form; Notice of Bankruptcy Filing; Warrant of Eviction; APD Citizens Grievance Report; information related to tenants’ rights; Warrant Section of Real Property Law; and Provision of Uniformed Justice Acts. Mr. Sarfoh reported that the investigation included interviews with the complainant, landlord, and the two officers involved.

Mr. Sarfoh reported that based on the OPS investigation, the officers showed up to affect the order of eviction. The first officer stated that he knocked on the door for about a half hour before ultimately gaining access to the residence. He denied that a weapon was raised. The second officer stated that the officers were knocking on the door for approximately ten minutes and that the other officer did have a weapon raised. Mr. Sarfoh also stated that ultimately it was an issue of the viability of the paperwork related to the eviction. Whether or not the paperwork was valid and whether or not the officers should have proceeded in that regard.

Mr. Sarfoh summarized the OPS finding for the call handling allegation as *sustained*, where the review discloses sufficient facts to prove the allegations made in the complaint. Mr. Sarfoh stated that the OPS investigation showed that the officer violated the APD’s Article 14.1.10-Unsatisfactory Performance, based on the officers’ absence of knowledge

of the application of laws to be enforced. The officer also violated Article 14.1.48-Use of Force, based on the officer's use of more force in this situation than was reasonably necessary under the circumstances. Mr. Sarfoh further reported that the landlord had a warrant of eviction which enabled him to have the complainant removed. The complainant was present during the court proceedings and knew he had been ordered to vacate the property. Mr. Sarfoh reported that the complainant was never formally evicted by the Sheriff's Department. So when the officers went to the address to assist the landlord in removing the complainant, the Warrant of Eviction issued on October 10, 2012, was expired by fifteen (15) days. The officer said that he read the eviction notice and found it to be valid, however the warrant said in bold type that the Sheriff's Department would not execute this warrant after 30 days from signed or stayed date, issued August 17, 2012. Mr. Sarfoh stated that the date of this incident was October 1, 2012, which was forty-five (45) days after the warrant was issued. Mr. Sarfoh further stated that the warrant of eviction was addressed to the Albany County Sheriff, and not any other agency. Mr. Sarfoh further stated that the Real Property Actions and Proceedings Law Section 749 Warrants reads, "Upon rendering a final judgment for petitioner, the court shall issue a warrant directed to the sheriff of the county or to any constable or marshal of the city in which the property, or a portion thereof, is situated, or, if it is not situated in a city, to any constable of any town in the county, describing the property, and commanding the officer to remove all persons, and, except where the case is within section 715, to put the petitioner into full possession." Mr. Sarfoh further stated that the officer in this case did not have the authority to evict the complainant. The officer either did not read the warrant of eviction in detail or did not understand the contents. Mr. Sarfoh further stated that it would appear that the officer did not act maliciously to wrongfully evict the tenant. The perception the officer had was that it was within his power to evict the tenant, when in fact, it was not. Mr. Sarfoh further stated that the use of force the officer used was not reasonable or necessary. The complainant had not been evicted prior to the date of the incident in question, so the complainant was not committing the crime of trespass. Mr. Sarfoh further stated that the fact that the complainant did not come to the door promptly when the officers knocked and announced themselves, whether it was ten minutes or a half hour, was not enough to elevate the situation to the drawing of a weapon.

Mr. Sarfoh reported that the OPS finding for the use of force allegation was *sustained*. Eugene Sarfoh moved to concur with the OPS finding of *sustained*. Akosua Yeboah seconded the motion. The motion carried unanimously.

Chairman Smart asked how the APD came to be involved in the execution of the warrant of eviction. Detective Hendrick replied that the landlord went to the APD for assistance. Chairman Smart then asked if it was proper for the APD to even get involved. Detective Crist replied that it was proper for the officers to go to the address and investigate the

landlord's claim that someone was criminally trespassing on his property. Chairman Smart asked if there should have been any evidence of trespassing. Detective Crist replied in the affirmative, but in this case, the evidence was expired and the officers not have the jurisdiction to do an eviction, but they did so anyway. Chairman Smart asked, if the APD officers have jurisdiction to evict people. Chairman Smart asked, since this is not a life and death situation, in hindsight, wouldn't it have wiser on the part of those officers and "white shirt persons" at the precinct to wait until tomorrow and call someone to find out how to handle this situation? Detective Crist stated that if he were to look at the situation as someone who is not a police officer, as someone who owns property and as someone who followed the letter of the law, and if this person was truly evicted and was truly criminally trespassing, then he would expect the officers to get that person out of the home. If he heard, "Sorry, we can't help you until tomorrow," he would be highly agitated. Chairman Smart stated that he knows that it is the Sheriff's job. Detective Crist stated that it is the Sheriff's job to do the initial eviction and the APD does not have jurisdiction over that, but once someone has been evicted or is strictly criminally trespassing, it is definitely the APD's job to enforce those laws. Chairman Smart stated that was not the case here. Detective Crist stated that that was not found to be the case here. Chairman Smart stated that we are not talking about what technically would have taken place, but we are talking about an incident where the APD and somebody who walked down to the police department with a piece of paper, which somebody obviously did not read caused the incident to occur. Detective Crist stated he did not know if the piece of paper was given to the desk officer, but the allegation was that someone was criminally trespassing. When that officer met the landlord at the scene, he should have asked some questions (was this guy evicted and by whom, when, is it valid?). Chairman Smart stated that the problem with the OPS finding was that it was *sustained* and did not say anything about training. Detective Hendrick stated that it was *sustained* on the part of the officers that were on the scene and the department has addressed the issue in its training meetings. Chairman Smart stated that it is good that it has been addressed, because it is needed as it is obvious that officers do not know this. Detective Crist stated that one would expect a trained officer to investigate and have knowledge to act correctly for an allegation of criminal trespass and the higher ups to not be involved in the early stages of a criminal trespass case. Ms. Yeboah asked if the officer acted correctly up until the time that he misread the eviction notice. Detective Crist replied that the officer acted correctly in responding to the scene but that the officer should have asked the correct questions to gather more information instead of just assuming. Detective Crist further stated that the officer's mind must have seen what it wanted to see or he did not even ask. Chairman Smart stated that the officer drew his gun because he felt his life was in jeopardy. Detective Crist stated that that is a very good argument and that he believes this was addressed. Chairman Smart asked if this is a violation because officers are only supposed to draw weapons when they believe their life is in danger or it is a felony stop

or something of that nature. Detective Crist stated that when you can articulate through the eyes of an officer that the officer's life is in danger or the life of someone else is in danger, then it is correct to draw a weapon. Chairman Smart asked Detective Crist if he would have felt his life was in danger at this point. Detective Crist replied in the negative. Hindsight is 20/20.

CPRB No. 44-12/OPS No. CC2012-101 (Presented by Marilyn Hammond)

Marilyn Hammond summarized the complaint. It was noted that the complainant was not present. Ms. Hammond stated that the complainant alleged a detective stated, "I have been shot at. I deal with real crime. I don't have time to deal with an apartment squabble. I will not arrest the landlord because the District Attorney would point a finger and tell me to get out." Ms. Hammond further stated that the complainant alleged the detective harassed her, goaded her into a fight, and almost had her kicked out of her apartment.

Ms. Hammond reported that she reviewed the following documents: Confidential Report 4/2/13; Email from Complainant to Detective; Grievance Notification; Intra-departmental Correspondence (IDC); Web Safety Net Messages; and a Call Ticket. Ms. Hammond reported that she reviewed more than thirty (30) calls to the APD in a 4 to 5 month period that were all landlord-tenant disputes, and that some of those calls involved vandalism, abuse and larceny by the landlord. She also stated that on some days, the APD responded 2 or 3 times a day.

Ms. Hammond stated that she could not tell how many calls from this person regarding her landlord went out. Ms. Hammond further stated that the language the complainant claims the officers used was a "he said, she said" situation, so she could not say if the officers did or did not say what the complainant alleged. Ms. Hammond further stated that to get thirty (30) calls had to be very frustrating for the officers.

Ms. Hammond summarized the OPS finding on the conduct standards allegation as ***not sustained***, where the review fails to disclose sufficient facts to prove or disprove the allegations made in the complaint. The complainant alleged that a detective stated, "I have been shot at. I deal with real crime. I don't have time to deal with an apartment squabble. I will not arrest the landlord because the D.A. would point a finger and tell me to get out." Ms. Hammond stated that based on the OPS investigation, the detective stated that he did not refuse to investigate her allegations and the cases are still open. Ms. Hammond stated that she confirmed that the cases are still open. Ms. Hammond further stated that the detective was asked if he told the complainant that he was shot at, deals with real crime and did not have time for an apartment squabble. The detective stated that he has never been shot at and would never say that. Ms. Hammond further stated that this is a "he said, she said" situation and that she has to agree with the OPS finding of ***not sustained***, because we do not know what was said. The complainant was clearly not

happy with the way things were handled. Marilyn Hammond moved to concur with the OPS finding of *not sustained*. Eugene Sarfoh seconded the motion. The motion carried unanimously.

Ms. Hammond summarized the OPS finding for the call handling allegation as *unfounded*, where the review shows that the act or acts complained did not occur. The complainant alleged that she was harassed, goaded into a fight, and almost kicked out of her apartment. Ms. Hammond further stated that the detective was assigned to the Burglary Task Force. He went to the complainant's address to investigate allegations made by the complainant. Based on the OPS investigation, upon the detective's arrival, he noticed several code violations in the basement apartment, where the complainant resided. Ms. Hammond stated that with the detective's training and experience, he is aware when a code violation exists. If a member of the department is aware of a code violation that places the safety of a resident of the City in jeopardy and does not address the issue, that member and the department would be liable if the code violation was not properly handled. Ms. Hammond further stated that the complainant felt that the detective was not going to investigate her complaints about the landlord because he was friends with someone on the block or he had a big ego. The detective made some preliminary determinations that the landlord's actions did not rise to or have the elements that would substantiate a burglary. However he stated that the case investigation is still open and ongoing. The Codes Investigator determined that the complainant's apartment was uninhabitable and that the detective in turn had the authority to enforce the laws of the City of Albany, to include code violations. Ms. Hammond further stated that the complainant alleged that 10 assorted uniformed officers responded on the scene for unneeded backup but the call ticket showed that only one officer responded. The officer stated that while he was on the scene, it was himself, the detective, and 1 or 2 code enforcement officers. The radio recordings did not indicate any other units on the scene.

Ms. Hammond asked Detective Crist if the complainant was goaded and kicked out of her apartment by the officer. Detective Crist replied that the complainant was not kicked out of her apartment by the officer. She was kicked out by her landlord. Ms. Hammond stated that the complainant alleged that she was harassed, goaded into a fight, and almost kicked out of her apartment by the APD. Ms. Hammond further stated that she believed that it was the landlord who tried to kick the complainant out of the apartment. Detective Crist stated that was not in his report. Chairman Smart asked if based on what the complainant alleged, did the officer go back and inform the City that there were code violations at that residence. Detective Crist replied that the detective went to the scene, was familiar with the scene, and tried to understand what was going on and to mediate because there were no elements that led to burglary. Detective Crist further stated that the detective saw code violations and called Codes Enforcement. The codes officer could

not let anyone stay there. Detective Crist said that the officer left the scene when everything was secure and the codes officer handled the situation from there.

Marilyn Hammond moved to concur with the OPS finding of *unfounded*. Chairman Edward Smart seconded the motion. The motion carried unanimously.

B. Appointment of New Members to the Committee on Complaint Review for September 12, 2013

Chairman Edward Smart reported that the following Board members were appointed to the Committee on Complaint Review for September 12, 2013: Marilyn Hammond, Eugene Sarfoh, Chairman Edward Smart, and Akosua Yeboah.

C. Summer Meeting Schedule

Chairman Edward Smart stated that the Board has the privilege of taking off the months of July and August and called for objections to the summer schedule. It was noted that there were no objections.

D. Committee Task Force Reports

By-Laws and Rules

Committee Chairman Edward Smart reported that the committee plans on meeting in July.

Community Outreach

Committee Chair Akosua Yeboah stated she was happy to report that the Spanish version of the CPRB Brochure was complete. She commended Maritza Martinez for completing the translation in a timely fashion. She further stated that the committee would have a meeting to review the brochure before printing them.

Mediation

Chairman Edward Smart gave the report in the absence of Committee Chairman Mickey Bradley. Chairman Smart stated that mediation is very close to approval. The APD has been very involved in the process. Chairman Smart stated that the committee has received and approved the complaint forms.

Board Counsel Pat Jordan stated that he and Ms. Moseley will need to meet and discuss anything that may need to happen in order to get the process up and running within the next couple of months.

Police Department Liaison-Policy Review/ Recommendations

Chairman Edward Smart stated that Committee Chairman Anthony Potenza was not at the meeting to give his report.

Public Official Liaison

Chairman Edward Smart stated that Committee Chairman David Rozen was not at the meeting to give his report.

Task Force on Monitors

Task Force Chairman Eugene Sarfoh stated that he had nothing new to report.

E. 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 thirty-five (35) active complaints before the Board for review. Of those thirty-five (35) active complaints, five (5) were reviewed and closed. This leaves the Board with thirty (30) active complaints. There are two (2) cases ready for review at the Board's September 12th meeting. These complaints were carried over from June.

It was reported that five hundred and fifty-seven (557) complaints have been closed. The total number of complaints that remain suspended from review is twelve (12). The total number of complaints filed to date is six hundred (600).

It was further reported that since the Board's last meeting on May 16, 2013, the GLC received sixteen (16) grievance forms, bringing the total number of forms received to four hundred and forty (440). In response to the GLC's outreach to all individuals, the GLC has received one hundred and twenty-two (122) CPRB complaint forms, which is 28%.

New Board Member Update and Re-Appointments

It was reported that Board member David Rozen has completed the Citizens' Police Academy training. His ride-along is scheduled for tomorrow. It was further reported that Chairman Smart's term has expired so the GLC is waiting for his re-appointment by the

Mayor. It was reported that there is still one mayoral vacancy created by former member Andrew Phelan.

NACOLE

It was reported that this year's NACOLE conference is scheduled for September 22-September 26 in Salt Lake City, Utah. Chairman Smart, along with Board Members Rozen and Hammond will be attending this year's conference. All travel arrangements have been made. Ms. Moseley asked that if anyone's plans change, please let the GLC staff know as soon as possible because certain costs have deadlines for reimbursements. She further informed the Board that if there is a cancellation, the member will be responsible for refunding the airfare costs to Albany Law School.

Upcoming Meetings

It was reported that the next Board meeting is scheduled for September 12 at 6 p.m.

F. Report from the Office of Professional Standards

OPS Detective Kathy Hendrick reported that the OPS has not had many complaints for the CPRB because they have been busy processing police applications.

G. Report from the Chair

Chairman Edward Smart stated that he has given his report amid all that was done during the meeting.

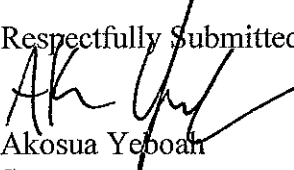
V. Public Comment

Chairman Edward Smart opened the floor for public comment.

A female stated that she was just there as a concerned citizen. She stated that it is always good to drop in every now and then to see what is going on. Chairman Smart thanked the citizen and stated that he hoped she was pleased with the Board's deliberations. The citizen stated that everything is great and that she would be back for the next meeting.

VI. Adjournment

Chairman Edward Smart adjourned the meeting at 7:40 p.m.

Respectfully Submitted,

Akosua Yeboah
Secretary