

City of Albany
Citizens' Police Review Board
GWU the Center
274 Washington Avenue – Teen Center Conference Room
September 12, 2013
6:00 p.m. – 8:00 p.m.

Present: Mickey Bradley, Marilyn Hammond, Anthony Potenza, David Rozen, Eugene Sarfoh, Reverend Edward Smart, and Akosua Yeboah

Absent: Maritza Martinez

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

III. Old Business

A. CPRB No. 28-13/ OPS Number Not Assigned

Chairman Edward Smart stated that the Board received correspondence dated July 18, 2013 by a complainant. The GLC sent a request to the complainant asking that a complaint form be filed. He further stated that there was no indication from the complainant that there was any misconduct on behalf of the APD or law enforcement agency and the OPS did not and will not conduct an investigation into this matter. Chairman Smart also stated that the GLC and the OPS have not heard further from this complainant since the July letter. Chairman Edward Smart moved to close this case since the complainant has not responded and there is no complaint which indicates misconduct on behalf of any of the police officers of the City of Albany. Marilyn Hammond seconded the motion. The motion carried unanimously.

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

Anthony Potenza stated that this case was discussed and deliberated by the Board at a prior meeting. At that time, the Board reserved reaching a finding on the allegation pending an informal mediation meeting between the complainant and the OPS. Mr. Potenza further stated that the Board has been informed by the APD that an informal mediation took place and resolved the matter. The complainant was satisfied with its outcome. In light of the complainant's satisfaction, Anthony Potenza moved to concur

with the OPS finding for the conduct standards allegation as *exonerated*. He further stated that the investigation was conducted in a thorough and complete manner and that the Board was happy that the matter was resolved through an informal mediation. Chairman Edward Smart seconded the motion. He stated that the outcome of this case was due to the fine work of the CPRB. The Board is very happy when complaints can be resolved in this way, and can bring the police and complainants together. The motion carried unanimously.

IV. New Business

A. *New Complaints*

1. New Complaints Received Since the June 20, 2013 Meeting

Committee Chair Akosua Yeboah reported that the Board received twenty-two (22) new complaints since its June 20, 2013 meeting. Due to the large number of complaints, Chairman Smart asked Ms. Yeboah to read only the complaints that did not require a monitor, which brings the list down to about ten (10) complaints. Each Board member was provided with a complete listing of the complaint summaries as listed below.

CPRB No. 21-13/OPS No. CC2013-061

According to the complainant, on March 22, 2013, it took an officer some time to respond to her call for assistance. The complainant claims that the officer told her to calm down very rudely because she was upset that her car was vandalized. The complainant alleges that the officer laughed under his breath at the profanity that was written on her car. The complainant further alleges that when she told the officer who vandalized her car, the officer did not ask any questions nor did he investigate the individual because according to the officer, "This happens all the time because it is a college area." According to the complainant, the individual was arrested for another similar incident and was sent to jail for two months but he was not charged with vandalizing her property. The complainant does not feel comfortable with this individual who vandalized her property.

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

CPRB No. 22-13/OPS No. CC2013-060

According to the complainant, on June 12 2013, a woman approached him and asked him if he smoked weed because another female wanted to know. After the complainant went for his walk, he noticed the other female talking to two (2) police officers. The complainant believes that the female was working with the police to set him up.

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

CPRB No. 23-13/OPS No. CC2013-059

According to the complainant, on June 19, 2013, an officer allegedly approached him and falsely accused him of something that occurred on Clinton Avenue and Lark Street. The complainant states that approximately fifteen (15) police vehicles were on the scene. The complainant asked one of the officers if a crime occurred and he knew that he did not fit the description. After knowing this, the officer allegedly followed the complainant and called for backup. The complainant alleges that the officer illegally searched him, threatened to charge him with obstructing justice, impersonation, and several other charges. The complainant further alleges that the officer handcuffed him so tight that his wrists were swollen. The complainant claims that the officer insulted him by calling him names. The complainant alleges that no charges were filed against him.

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

CPRB No. 24-13/OPS No. CC2013-067

According to the complainant, an officer followed him for several blocks before he allegedly pulled him over for thirty (30) minutes. The complainant alleges that the officer failed to tell him why he pulled him over. The officer allegedly checked the complainant's license and registration and found out that the complainant was on parole. The complainant alleges that the officer pulled him out of the vehicle, handcuffed him, and illegally searched his vehicle. The complainant alleges that the officer harassed and profiled him for no reason. The complainant further alleges that the officer gave him a speeding ticket and failed to specify the speed that he was driving.

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

CPRB No. 25-13/OPS No. CC2013-062

According to the complainant, he was falsely accused and arrested for aggravated harassment for threatening to bomb the rescue mission. The complainant believes that the FBI is harassing him. According to the complainant, when he went to Division 2 for clarification, he was treated rudely and spoken to in a hostile manner.

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

CPRB No. 26-13/OPS No. CC2013-065

According to the complainant, on June 28, 2013, as he was driving an officer tailgated him and then pulled him over. The officer allegedly told the complainant to put his hands where he could see them and began to question him. The complainant alleges that the officer failed to let him know why he pulled him over and never asked him for his license or registration. The officer allegedly asked the complainant if he knew about a death that

occurred the night before. The officer eventually told the complainant that he did not stop up to 100 feet of a traffic light. The complainant gave the officer his license. When the officer returned to the car, the officer continued to question the complainant and proceeded to use profanity. The officer allegedly threatened to taze the complainant. Two (2) police vehicles arrived and the complainant was allegedly told that his license was suspended so he was being arrested. The complainant alleges that the officers illegally searched his car and the officer profiled him because he was working overtime. The complainant further alleges that his rights were violated.

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

CPRB No. 27-13/OPS No. CC2013-070

According to the complainant, an officer pulled up and allegedly asked the complainant and his friend for their names and ID's. The complainant pulled out his phone and began to video what was happening. The officer allegedly told the complainant to put his phone down. When the complainant asked why, the officer allegedly got an attitude and threatened to arrest the complainant for trespassing. The officer handcuffed the complainant and threatened to make the other charges stick so he can go to jail.

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

CPRB No. 28-13/OPS No. None Assigned

This complaint was placed on tonight's agenda under old business to be closed without review.

CPRB No. 29-13/OPS No. CC2013-080

According to the complainant, on February 7, 2013, he was suffering from an asthma attack and was being transported by vehicle to the hospital when an Albany police officer stopped him, falsely arrested him for possession of imitation crack cocaine, and then refused him medical attention. The complainant alleges that this caused his asthma attack to turn into a heart attack which he was later treated for at Albany Medical Center. The complainant also alleges that the target police officer lied in a parole hearing causing him to get violated and sent back to jail.

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

CPRB No. 30-13/OPS No. CC2013-078

According to the complainant, on July 21, 2013, as he was at a stop sign, an officer who was responding to a call, approached the complainant and asked him to roll his window down. The officer allegedly asked the complainant for his license and registration. The complainant did not have his license so he gave the officer a U.S Government issued

identification. The officer allegedly searched the complainant and found out that his license was suspended. The officer handcuffed the complainant and told him in front of everyone that the individuals were the reason that he was getting arrested.

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

CPRB No. 31-13/OPS No. CC2013-082

According to the complainant, she feels like she was not treated in a civil manner and needs an understanding of what happened in writing.

It was noted that on August 29, 2013, the CPRB sent correspondence to the complainant requesting more information regarding the nature of the allegation in her complaint. As of this meeting, the CPRB has not received a reply.

CPRB No. 32-13/OPS No. CC2013-083

According to the complainant, on July 24, 2013, the complainant was riding a CDTA bus to work, when the bus stopped short because a police vehicle crossed in front of it without using its sirens.

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

CPRB No. 33-13/OPS No. CC2013-091

According to the complainant, an officer allegedly pulled the complainant over for a seatbelt violation. After the officer left, several local and state police surrounded his car, including a trooper who arrested the complainant when he was nineteen years old. The complainant alleges that he was removed from his car, his car was searched and he was handcuffed.

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

CPRB No. 34-13/OPS No. CC2013-092

According to the complainant, on August 24, 2013, police officers who were responding to an anonymous call allegedly showed up at the complainant's place of business. The officers allegedly claimed that a white male was in front of the store with a handgun. The officers left the scene after deciding that the call had no basis. Less than an hour later, six officers entered the complainant's place of business and told him to get against the wall. The officers mentioned the anonymous call and told the complainant to put his hands on his head. The complainant alleges that his request to call his lawyer and parole officer was refused. The complainant further alleges that the officers taunted him.

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

CPRB No. 35-13/OPS No. CC2013-088

According to the complainant, she was parked at a Stewart's Shop that was closed. Police officers allegedly stopped and asked the complainant for her license and car keys. The keys were under her seat cushion. According to the complainant, she was not illegally parked and not drunk. The complainant states that she was not ticketed and not given a breathalyzer test. The complainant alleges that her car was towed and she had to walk home around midnight.

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

CPRB No. 36-13/OPS No. CC2013-096

According to the complainant, on July 22, 2013, as a result of an earlier raid, her house and two other houses were raided by the Albany Police Department. In the earlier raid, two people were taken into custody, along with some narcotics and a firearm. The complainant alleges that the officers broke the locks on three doors to enter her home. The complainant further alleges that her 13 year old son who was home alone at the time was instructed to put his hands on his head and take three steps backwards out of the house. Her son was confused and afraid because he was given commands by two different officers. The complainant alleges that the officers grabbed her son in a hold and handcuffed him. The complainant further alleges that although her son gave the officers his name and age, the officers continued to call him the wrong name. The complainant claims that her minor son was never ID, arrested, or read his rights. The complainant further claims that officers questioned her son without her being present. An officer transported the complainant from her job to her home where she was allegedly questioned by other officers. The complainant alleges that officers trashed her apartment and accused her son and nephew of being mules for a gang.

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

CPRB No. 37-13/OPS No. CC2013-093

According to the complainant, on August 22, 2013, she was laying on her bed when she saw a little boy (who lives on the first floor) with his uncle standing on the fire escape looking into the complainant's bedroom window. When the complainant turned on her lights, they ran down the fire escape. The complainant alleges that when she tried to file a report at the South Station, an officer told her that it was not a real crime and hung up on her. According to the complainant, she went to the Public Safety Building and talked to a detective. An officer was sent to the complainant's house to speak to the man who was looking in her window. The man said that he was hanging clothes. The complainant alleges that her landlord wants a written report, so she requested one. The officer told her that the report is in the computer, but it is not.

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

CPRB No. 38-13/OPS No. CC2013-095

According to the complainant, she saw the little boy who allegedly started a fire in her building. The complainant alleges that the officer on the scene was not helpful and she found the paper and pencil that the boy set on fire. The complainant emailed the picture of the items to the detective. The complainant was allegedly told that they could not do anything because the boy was 10 years old. However, the boy's uncle said that he was 13 years old. The complainant alleges that she was told that there would be a report available but a report was not filed.

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

CPRB No. 39-13/OPS No. CC2013-086

According to the complainant, on December 1, 2012, members of the Albany Police Department's Swat Team allegedly assaulted him for firing shots. The complainant alleges that he was taken to the hospital and released. The complainant further alleges that, as of January 1, 2013, he is being harassed and followed.

It was noted that a monitor was not assigned to investigate this complaint. Due to the date of the incident, the GLC contacted five Board members to decide how to proceed with this case. These Board members voted that the complaint is closed without review.

CPRB No. 40-13/OPS No. CC2013-098

According to the complainant, on September 2, 2013, an officer asked her for her identification, so she turned around to get her bag. The complainant states that a bottle flew out of the bag and landed at the officer's feet. The complainant alleges that the officer said that she hit him with the bottle and started to push and shove him. The complainant alleges that the officer used profane language and threatened to spray her with OC spray and hit her with his stick. The complainant further alleges that when she asked to speak to her 14 year old son, the officer did not let her. The complainant claims that the officer pushed her to the side of the building which made her bump her head. The officer allegedly bent the complainant's arm. The complainant alleges false arrest.

It was noted that a monitor was assigned to investigate this complaint. The incident in this complaint is related to the incident in CPRB No. 41-13/OPS No. CC2013-099.

CPRB No. 41-13/OPS No. CC2013-099

According to the complainant, on September 2, 2013, a police vehicle pulled up at a family barbecue and an officer allegedly asked for ID because of the music that was being played. The complainant told the officer that no music was playing because it was

raining, so everything was being taken into the house. The complainant was going into her house to get her ID and told the officer that he could not come in. The officer allegedly continued to go into the complainant's house so she closed the door. The officers allegedly forced her door open and sprayed OC spray on the complainant. Two officers allegedly tried to throw the complainant to the ground, while ignoring her screams that she was pregnant. An officer allegedly used profanity towards the complainant and handcuffed her with her hands behind her back. The complainant alleges that the officers dragged her and refused to give her medical attention for the OC spray. The complainant further alleges that she was falsely charged with resisting arrest. The complainant claims that the officers did not read her rights to her.

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

CPRB No. 42-13/OPS No. CC2013-089

According to the complainant, on August 9, 2012, officers pulled the complainant over for no reason. As the officer went to open the complainant's car door, the complainant drove off, crashed his vehicle and tried to flee on foot. The complainant alleges that the officers falsely charged him with drug charges. The complainant also alleges that the officers committed perjury and falsified statements against him.

It was noted that a monitor was not assigned to investigate this complaint. Please note that due to the date of the incident, the GLC contacted five Board members to decide how to proceed with this case. These Board members voted that the complaint is closed without review.

2. Complaint(s) for Board Review

CPRB No. 2-13/OPS No. CC2013-005 (Presented by Eugene Sarfoh)

Eugene Sarfoh stated that this complaint stemmed from an incident that occurred on November 16, 2012, in the early morning hours on North Allen Street. The complaint involved a use of force allegation and a conduct standards allegation.

Mr. Sarfoh reported that he reviewed the following documents: four (4) page Confidential Report; Call Ticket; several IDC memos; Contact Card; and Roll Call memo. It was noted that monitor Al Lawrence was assigned to this case and was present.

Mr. Sarfoh summarized the complaint. He stated that the complaint stemmed from a citizen-police encounter that occurred around 4:00 a.m. The police were patrolling the area where there had been some vehicle break-ins. While they were patrolling, they observed a male walking between vehicles. The male appeared to take note of the officers and ran into the alley between two houses. Eventually there was a direct encounter between the complainant and the officers. The complainant alleged that he

was told to sit down. When he went to move, the officer allegedly threw the complainant face down on the stairs and two more officers, who responded to this encounter, began assaulting the complainant with blows to the ribs and head. The complainant further alleged that he went to the police station at some point after this encounter, to talk to someone inside and possibly file a complaint, but was told he was not allowed in the station or he would be arrested.

Mr. Sarfoh reported that there were three (3) officers directly involved with this encounter and all were interviewed. Based on the OPS investigation, there were recordings of dispatch calls that were also reviewed by the OPS. The confidential report indicated that there was no patrol car video available. Mr. Sarfoh stated that he was not clear if a patrol car video was ever recorded.

Mr. Sarfoh asked if the complainant was present. It was noted that the complainant was not present at the meeting. Mr. Sarfoh asked if monitor Al Lawrence had anything he wanted to add. Mr. Lawrence replied that it is fair to say that the complainant did not cooperate with the investigation. As a result, all the Board can rely on is the four (4) police officers' testimonies and accounts of what happened. Mr. Lawrence further stated that the complainant's mother, who was listed as a witness, really only came on the scene in the aftermath of the primary allegations, so there is really nothing to corroborate what the complainant alleged regarding his injuries. Mr. Lawrence further stated that there were no medical records. The officers did not observe injuries and the complainant did not complain of injuries. Mr. Lawrence further stated that the only evidence to support the complainant's alleged injuries was his mother, who said that there were no injuries but then quickly added that there were some bruises.

Mr. Sarfoh stated that the police were patrolling the area because of reported vehicle break-ins and the officers saw suspicious activity at 4 o'clock in the morning, which consisted of the complainant walking between vehicles. Mr. Sarfoh further stated that the complainant saw the officers and ran into the alleyway, where the police confronted the complainant. Mr. Sarfoh further stated that the complainant and the officers backed out onto the street in front of the complainant's home, and that the officers attempted to investigate what was going on. The complainant was, by his own account, intoxicated and was acting as such. Mr. Sarfoh further stated that there was an exchange back and forth between the complainant and the officers. There was an attempt to restrain the complainant, which led to a struggle, when the complainant tried to run up the steps to the home in front of them. This home turned out to be the complainant's and his mother's residence. Mr. Sarfoh further stated that it was during that struggle that the other two officers also arrived on the scene. This was when the complainant's mother came on the scene.

Mr. Sarfoh stated that later on that morning the complainant arrived at the police station, in shorts and no shoes (again this is in November), acting in an unusual manner, attempting to antagonize any officer that he encountered, according to the fourth officer's testimony. This was where the fourth officer came into the story. He was not on the scene at the complainant's house. Mr. Sarfoh further stated that it was at this point when the complainant was asked to go home or get arrested for disorderly conduct. Mr. Sarfoh stated that it was a two-part incident—the first part at the residence of his mother and the second part later in the morning at the police station.

Mr. Sarfoh summarized the OPS finding for the use of force allegation as *not sustained*, where the review failed to disclose sufficient facts to prove or disprove the allegation made in the complaint. The complainant alleged that he was told to sit down and when he went to move, the officer threw the complainant face down on the stairs. Allegedly two more officers started assaulting the complainant with blows to the ribs and head. Based on the OPS investigation, the officers stated that they exited their vehicle and observed the complainant pushing and pulling away from another officer. An officer stated that he ran up and gave the complainant several commands to stop pulling away and get on the ground. The complainant refused to comply and continued to push and pull away from the officers. The officers stated they grabbed the complainant by both arms to place him on the ground to be detained in handcuffs for the safety of him and the officers. The complainant was placed into handcuffs without injury and seated on the steps of the home. All the officers and the complainant's mother stated that the complainant was intoxicated. The mother used the term "inebriated" to describe her son's condition. According to the OPS, it was reasonable for the officers to have a raised level of suspicion of a person walking in a darkened alley. It is questionable as to why the complainant did not tell the officer right away that he lived in the residence where he was stopped. Eugene Sarfoh moved to concur with the OPS finding of *not sustained*. Anthony Potenza seconded the motion. The motion carried unanimously.

Mr. Sarfoh summarized the OPS finding for the conduct standards allegation as *not sustained*, where the review failed to disclose sufficient facts to prove or disprove the allegation made in the complaint. The complainant alleged that he went to the station to talk to someone inside and was told that he was not allowed inside or he would be arrested. Based on the OPS investigation, the officers stated that the complainant came back to the area of the station and was highly irrational and antagonistic. He never asked to speak to someone about his encounter. Eugene Sarfoh moved to concur with the OPS finding of *not sustained*. David Rozen seconded the motion. The motion carried unanimously.

CPRB No. 3-13/OPS No. CC2013-003 (Presented by Akosua Yeboah)

Ms. Yeboah summarized the complaint. She stated that the complaint contained two (2) counts use of force allegations and one (1) of conduct standards allegation. It was noted that monitor Richard Lenihan was assigned to this case.

Ms. Yeboah reported that she reviewed the following documents: Monitor's Report; Investigator's Report; Contact Card; Citizen's Complaint Form; video and audio recordings of the incident; and a Medical Report.

Ms. Yeboah reported that the complainant was stopped at a gas station to put air in her tire when she was confronted by an officer in a police vehicle. At some point the interaction escalated, resulting in the complainant being handcuffed. The complainant subsequently got out of the handcuffs and a second officer, who was also on the scene physically engaged the complainant to reapply handcuffs. Ms. Yeboah further reported that the complainant was seen by an emergency room doctor and was treated for pain resulting from a probable muscle strain.

Ms. Yeboah reported that the video was inconclusive since the officers and the complainant were not in view. The audio was unclear because the vehicle door was closed and one could not hear very much with distinction. Ms. Yeboah further reported that what could be heard was a woman's voice (presumably the complainant) speaking in a very loud and distressed tone. Ms. Yeboah stated that except for the very beginning of the audio, the voices of the officers could not be heard; however what could be heard was consistent with what the complainant said in the beginning of the incident (which was the officer asking, "Are you talking to me?") Ms. Yeboah stated that was all she could make out of the audio recording. Ms. Yeboah reported that the medical report showed the complainant was treated for pain with ibuprofen and did not show evidence of bruising, cuts or other physical injury, so that was somewhat inconclusive in respect to the allegation of use of excessive force.

Ms. Yeboah stated that she agreed with the monitor's report that this was a perfect situation for mediation because she believed that the situation escalated and because of that escalation the officer had to apply restraint, which further escalated and aggravated the complainant. Ms. Yeboah stated that she would be confused if she had been in the complainant's situation and an officer was handcuffing her. Ms. Yeboah further stated that she did not see the officer acting in a way that was outside of police training or that was inconsistent with the perception of escalation at the time. This would be a perfect situation for mediation because the only conclusion one could come up with in the absence of evidence was *not sustained*. Ms. Yeboah reported that the OPS found the allegations as *not sustained*.

Chairman Smart asked if the complainant was present. It was noted that the complainant was present. Chairman Smart told the complainant that the Board was happy that the

complainant was present and wanted to hear what the complainant had to say. Chairman Smart further stated that the complainant did not have to identify herself or mention her name or address. Chairman Smart further stated that the Board's procedure was that everyone who speaks has a total of seven (7) minutes, which the complainant may share with anyone she wishes.

The complainant stated that she went to the gas station to put air in her tire. The complainant further stated that, as Ms. Yeboah stated, it was probably a misunderstanding, but that the officer came up behind the complainant's car. The complainant stated that she saw the officer staring her down so she asked the officer what he was looking at. The complainant stated that she probably did not ask in that way but that is what she asked because she was not doing anything wrong. The complainant further stated that the officer obviously saw that she had a flat tire, and that the officer got out of the car and asked her for her ID. The complainant stated that she continued to put air in her tire and said to the officer, "Why are you asking me for my ID? I'm not doing anything wrong." The complainant stated that the officer grabbed her up by her jacket and she asked the officer, "Why are you pulling on me?" The complainant stated that the officer said, "Oh, you're not going to give me ID?" and automatically handcuffed the complainant. The complainant also stated that there were no other officers at the gas station. By the time the officer handcuffed her, the other officers arrived on the scene. The complainant stated that the other officers automatically thought she was in the wrong when she hadn't done anything wrong. The complainant further stated that when the officer handcuffed her, she was not fighting or swinging her arms but was verbally asking him why he was putting the handcuffs on her. The complainant stated that two (2) other officers just grabbed her up while she was asking why they were doing that to her. The complainant stated that even though her hand slipped out because the handcuff was loose she did not try to run. The complainant stated that an officer in training grabbed her by the back of her hair. The complainant further stated that she is a nurse and knows how to restrain a person, but did not know where in the officers' training it says that when restraining a person, you have to grab them by the hair that tight. The complainant stated that she was not resistant, but kept saying, "Please let go of my hair, please let go of my hair," and the officer would not let go of her hair. The complainant stated that the other officers were laughing and calling her all types of animals and she thought they were being very racist toward her. The complainant stated that having just finished a sixteen (16) hour shift, she had on uniform pants, which the officer reached into the pocket of for her ID, grabbing her thigh in the process. The complainant stated that she was yelling because she was upset and did not know what was going on, why she was being handcuffed, or why they were pulling her hair for a good two (2) to three (3) minutes. The complainant stated that when they let her up, they said to her, "Are you going to shut up now?" and were being very mean to her. The complainant stated that once the officers were done, they left the handcuffs on and laughed at her. The complainant stated that it

was after 11 p.m. She had a flat tire and had a little bit of change that she had put in the machine. During the incident, the time on the air machine ran out and she did not have any more change so her tire was still flat. The complainant stated that the officers laughed and told her, "If you work so hard, you can put money into the machine." The complainant stated that she did not say that she did not have money. She said that she did not have any more quarters. The complainant stated that they did not help her. They left her there with a flat tire and she had to find a way to put air in her tire. The complainant stated that she got to the station, realized she did not have change, left to get change and came back, and that may be why the officer thought she was suspect. The complainant stated that maybe she was not thinking clearly because she was worried about driving on the flat tire, and did not know who she could have called for help. The complainant stated that you would think that the officers could help her at this time but instead they just laughed at her and told her if she worked so hard, she could put air in her tire. The complainant stated that it was her point of view that the officers humiliated her. The complainant further stated that she is a hard-working citizen just as the officers are, and that she is never out in the street, and in a gang or dealing drugs. The complainant stated that it felt like seven (7) officers were on the scene, and they told her they were training officers. This is not how you train officers. The complainant stated that the officers told her that there had been a lot of robberies in the area, so she asked them if she looked like she was about to rob any place, with her uniform and badge on. The complainant stated that the officer said, "You're asking me for what I'm looking for, so obviously you're doing something wrong. Give me your ID." Again, the complainant stated that she did not give the officer her ID right away and the officer put the handcuffs on her.

Chairman Smart thanked the complainant for speaking and asked the Board if they had any questions. Ms. Hammond asked if there was a possibility of getting mediation for this case and if so, would the complainant be open to participating in mediation. The complainant replied that she would be open to it but she wanted something done. The complainant stated that she told the officer that she would make a report and that he laughed about it. The complainant stated that some officers do stuff like this all the time to people, but no one files a complaint.

Ms. Yeboah stated that if she had been treated the way the complainant had been treated, she would also file a complaint. This is unacceptable treatment by our police officers. Ms. Yeboah further stated that the problem she had in reviewing this case was that the complainant was completely off camera from the video recording and all she could hear was muffled sounds, mostly the complainant's voice, and that she could not corroborate. Ms. Yeboah stated that the officers, when they were investigated, said they did not say any of what the complainant was alleging, so the situation is the complainant's word against the officers' word and there is no way to tell what really happened. The complainant stated that there were more officers than just her, and no one will listen to

what she is saying. Ms. Yeboah stated that she listened to the audio about three (3) times and the detective listened to it about eight (8) times and they were really straining to hear anything. Ms. Yeboah stated that it was really frustrating for her, as a member of the Board trying to review this case, because obviously the complainant is very passionate about what she is saying and that Ms. Yeboah has no reason to disbelieve the complainant. The medical report did not state that the complainant had cuts and bruises.

Ms. Yeboah stated that she did find that the investigation was done in a professional manner by the OPS and that they did the best they could with the evidence that they had.

Ms. Yeboah stated that on the first conduct standards allegation, she concurred with the OPS finding of *not sustained*. Without corroborating evidence from the audio, Ms. Yeboah could reach no other conclusion. Akosua Yeboah moved to agree with the OPS finding of *not sustained*. Mickey Bradley seconded the motion. The motion carried with a vote of 7-1. Marilyn Hammond stated that she voted in the negative because she felt the case should be referred to mediation. Ms. Yeboah stated that she agreed with Ms. Hammond but mediation was not currently an option. Mr. Potenza stated that perhaps an informal mediation should be arranged. Chairman Smart stated that he recommended the Board vote on the allegations and at the end make a motion to send the case to mediation. Ms. Yeboah clarified that Chairman Smart meant that the Board vote on all the findings and then vote to send the case to mediation. Ms. Yeboah stated that she did not realize that is an option and would like to change her recommendation to mediation. Mr. Potenza stated that in the absence of an adoption of a formal mediation protocol, this is going to have to be considered an informal mediation. Ms. Yeboah stated that it would be up to the complainant and the officer whether or not it an informal mediation would take place. Ms. Yeboah and the complainant agreed that no charges or tickets were issued from this incident.

Mr. Rozen stated that he wanted to explain for the complainant, who may be unfamiliar with the CPRB and its procedures, the responsibility of the Board. He stated that the Board does not have the ability to go in and say what the police did to you was correct or not correct. He further explained that the police department has an Office of Professional Standards and they have very good detectives who are impartial, who look at the case and make a decision. Mr. Rozen stated that the CPRB then reviews that investigation and decision and decide whether the Board members agree with them or not. Chairman Smart stated that the Board heard the complainant very clearly. The complainant feels that the police officer treated her wrong, disrespected her, and that the officer could have handled the situation differently by helping her out with air for her tire, etc. Chairman Smart stated that the officer, in whatever he did, did not break any protocols. By law he did not have to give the complainant a quarter, but the Board would like for him to treat citizens in a respectful and professional manner. Chairman Smart stated that the Board would like to offer the complainant and the officer an opportunity to sit down and talk

about the situation and come to an agreement. Chairman Smart also stated that there is no proof that the officer or the complainant did anything wrong, but that there is a way for the complainant help the Board forge a much better way of dealing with these situations. Chairman Smart asked the complainant if she would do this and if she minded. The complainant stated that she did not mind.

Ms. Yeboah stated that she should have asked the monitor if he wanted to speak. Monitor Richard Lenihan stated that there was a lot of “would of, could of, should of” here and that he personally would have helped put air in the complainant’s tire and she would not be here tonight. Mr. Lenihan stated that he did not find a reason for the complainant to be handcuffed.

Chairman Smart stated that if the Board concurred with the OPS findings and then make a motion for an informal mediation, in that particular order, then the Board will not violate its protocol. Chairman Smart stated that this will allow the CPRB to close the case and ask for an informal mediation. Chairman Smart stated that the police chief, as in the other informal cases, would be the mediator. Ms. Yeboah explained to the complainant that the finding of *not sustained* did not mean that it did not happen; it only means that there is no evidence.

Chairman Smart asked the Board to vote on findings and Ms. Yeboah stated that the board already voted on the first motion. Chairman Smart asked Ms. Hammond if she would like to change her vote on the first allegation. Ms. Hammond agreed that she would. Akosua Yeboah moved to agree with the OPS finding of *not sustained*. Mickey Bradley seconded the motion. The motion carried unanimously.

Ms. Yeboah stated that she concurred with the OPS finding of *not sustained* for the use of force allegation. Without corroborating evidence from the audio or the medical report from the E.R. doctor, she could reach no other conclusion. Akosua Yeboah moved to agree with the OPS finding of *not sustained*. Mickey Bradley seconded the motion. The motion carried unanimously.

Ms. Yeboah stated that she concurred with the OPS finding of *not sustained* for the second use of force allegation. Without corroborating evidence from the audio or the medical report from the E.R. doctor, she could reach no other conclusion. Akosua Yeboah moved to agree with the OPS finding of *not sustained*. Chairman Edward Smart seconded the motion. The motion carried unanimously.

Akosua Yeboah moved that this case be referred to the APD for an informal mediation between the complainant and officers at the convenience of the parties involved. David Rozen seconded the motion. The motion carried unanimously.

Mr. Rozen stated for the record that this is a prime example of why the Board needs mediation. When you have a flat tire, you should be excited to see the police. Chairman Smart stated that there will be an executive session to discuss some of these issues in light of the new Common Council and will be prepared to make the Board's first report in January when the new mayor takes office.

CPRB No. 1-13/OPS No. CC2013-004 (Presented by Marilyn Hammond)

Marilyn Hammond summarized the complaint. She stated that the complainant alleged that he was told to cross the street by officers who were arresting someone. Ms. Hammond further stated that the complainant alleged that he was observing a situation from across the street when an officer allegedly ran across the street, threw the complainant on a wall, pushed his face into a boarded window, and kicked his feet.

Ms. Hammond reported that she reviewed the following documents: Confidential Report; three (3) Call Sheets (one for a weapon); two (2) IDCs dated January 10, 2013; five (5) IDCs with various dates; two (2) IDCs dated July 1, 2013 and June 28, 2013; and a Booking Report dated January 7, 2013.

Ms. Hammond summarized the OPS finding for the first use of force allegation as *exonerated*, where the acts which prove the basis for the complaint occurred, but the review showed that such acts were proper. The complainant alleged that he was told to cross the street by officers who were arresting someone. The complainant further alleged that he was observing a situation from across the street when an officer ran across the street, threw the complainant on a wall, pushed his face into a boarded window, and kicked his feet. Ms. Hammond reported that based on the OPS investigation, an officer is seen on a video speaking to the complainant for a while before asking him to move along. Ms. Hammond further reported that sometime later the officer is seen walking, not running, in the direction of the complainant. The officer also stated that he placed the complainant against the wall initially so he could not get away. The officer denied throwing the complainant against the wall. Ms. Hammond further reported that the complainant did not resist; he was just verbally aggressive. Ms. Hammond also stated that the officer asked the complainant to spread his feet but the officer was screaming and the officer then pushed the complainant's feet apart with his foot using little effort or force. Ms. Hammond stated that the complainant never complained of pain or injury and the DVR video and the booking video did not show any signs of injury.

Ms. Hammond summarized the OPS finding for the second use of force allegation as *not sustained*, where the review failed to disclose sufficient facts to prove or disprove the allegation made in the complaint. The complainant alleged that upon his release, he went to the SSTA (South Station) to inquire about a complaint. The complainant further alleged that a supervisor grabbed him by the shirt and shoved him out the front door.

Based on the OPS investigation, a sergeant stated that he was speaking with the complainant for approximately ten (10) minutes; attempting to convince him he had all the information necessary to file a complaint. Ms. Hammond further reported that the lieutenant came out to assist the sergeant, when the complainant loudly insisted that he had been arrested for no reason and demanded that an investigation into his false arrest begin. Ms. Hammond stated that the complainant demanded to be provided with the names of the all officers on the scene or connected with the original call, all the officers present in the booking area, and in the desk area. The lieutenant informed the complainant of his name and the sergeant's name and pointed out the arresting officer's name on the appearance ticket, as well as reviewed his options for submitting the complaint paperwork. The complainant was told that he was being disruptive and it was time for him to leave the station. Ms. Hammond further stated that the lieutenant asked the complainant to stand, which he did, and that the lieutenant picked up the complainant's ball cap and put it in his hand, then ushered him to the door with his left hand against the complainant's back and his right hand on the side of the complainant's side of his arm. Ms. Hammond stated that this in no way rose to the level of "shoving" and that the lieutenant walked the complainant to the door of the station and he left.

Ms. Hammond stated that monitor Joel Pierre-Louis, was assigned to the case. Ms. Hammond stated that the monitor did an excellent job. It was noted that all of the Board's monitors do such a good job that it makes the Board members' jobs easier. Ms. Hammond also noted that now that DVRs are in the police cars, it makes the board members' jobs easier as well.

Ms. Hammond stated that this complaint bothered her because the complainant was just spewing filth all over the place. With the microphone on, everything could be heard on the recording. Ms. Hammond also stated that the complainant spat on the seat of the car, called the officers a-holes, told the officers that he was going to take their badges from them, and made remarks to the officers about being sexually abused as children by their fathers. Ms. Hammond stated that the complainant appeared intoxicated as well.

Chairman Smart asked if the complainant was present. It was noted that the complainant was not present.

Mr. Pierre-Louis stated that he reviewed the confidential report, as well as all the evidence that was contained in the file. He stated that, as a lawyer and in looking in this case, he is always troubled by instances where it appears that citizens' Fourth Amendment Rights—in terms of search and seizure—are violated. Mr. Pierre-Louis stated that he looked at this case very closely. This was a very chaotic situation. Apparently there was a call that went out for a burglary and there was a foot pursuit that ensued. The police were chasing a number of individuals and along the way a gun was recovered. Eventually one of the individuals being chased in connection to the burglary

was caught, detained and, ultimately down the line, charged with the firearm that was found. Mr. Pierre-Louis stated that the incident led to the gas station on Fourth Avenue and South Pearl Street. The complainant could be seen in one of the DVR videos from the patrol unit entering the convenient store, exiting the store and then approaching another car that was apparently in the parking lot. Mr. Pierre-Louis further stated that there was an individual, who was a friend of the complainant, who was being detained and questioned by the police. The complainant went over and began to question the police officers as to why his friend was being detained. Mr. Pierre-Louis stated that the police spoke to the complainant, though Mr. Pierre-Louis was not sure the exact amount of minutes, and ultimately told the complainant that the individual was being questioned about a burglary that had taken place. The complainant was asked to step aside and move off. Mr. Pierre-Louis stated that after some time, the complainant complied and went across the street but at that point no audio was available. This was all according to the accounts given in the investigation files. Mr. Pierre-Louis stated that a few minutes later, the video (no audio) showed an officer crossing the street and apparently arrest the complainant, who was then placed in the back of a patrol unit. Mr. Pierre-Louis stated that is when the audio recording in the unit begins and the profanity-laced language that Ms. Hammond referred to earlier, which included spitting within the vehicle. This continued for two (2) or three (3) minutes as the complainant was being transported to the South Station. Mr. Pierre-Louis stated that upon his arrival at the South Station, the complainant can be seen on the booking room video continuing his profanity-laced tirade and that the officer in question that had arrested him had really upset him. Mr. Pierre-Louis stated that the sergeant at the desk instructed the officer to leave the room and when the officer left, the complainant quieted down and apologized for his conduct. Mr. Pierre-Louis stated that after some time, the complainant was released from custody but there was no video of the interaction between him and the lieutenant that took place in the hallway, where the complainant alleged the lieutenant grabbed him by the back of the collar and shoved him out the door. Mr. Pierre-Louis stated that there were two (2) allegations that were addressed by the OPS and in Mr. Pierre-Louis' opinion there should have been three (3) allegations. Mr. Pierre-Louis stated that the first allegation that should have been investigated, is that the complainant throughout his complaint, as well on the video, alleges that he was unlawfully arrested. Mr. Pierre-Louis stated that he mentioned this in his report as needing to be addressed but that it was not. Mr. Pierre-Louis stated that the other two allegations were of use of force by the alleged officer on the scene, where the officer allegedly shoved the complainant against a wall, pushed his face against a boarded up window, and then escorted the complainant down to the station. Mr. Pierre-Louis stated that in his opinion that there could have been other charges filed against the complainant but that the only charge that was filed against him was disorderly conduct.

Ms. Hammond stated that Mr. Pierre-Louis made a comment about Article 25.2, that the lieutenant filed a complaint and did not notify the OPS or something of that nature. Mr. Pierre-Louis stated that the confidential report made note of the fact that the lieutenant did not necessarily file the standard operating procedures within the police department. The lieutenant should have made that report and did not do so. This was picked up by the OPS and Detective Crist. Chairman Smart stated that this was not one of the allegations and therefore not something the Board can concur on. This

Mr. Pierre-Louis stated that he agreed with the two (2) allegations that Detective Crist brought to light with respect to the use of force for the interaction involving the officer and the complainant. The OPS recommended that the first use of force allegation be closed with the finding of *exonerated*. With respect to the second use of force allegation for the interaction involving the complainant and the lieutenant in the lobby of the South Station, the OPS recommended that the case file be closed with a finding of *not sustained*. Mr. Pierre-Louis stated that he agreed and, again, did not have any sort of video to refer to. The reports that were provided by the officers who were present, including the sergeant that was initially talking to the complainant, was that they did admit that the lieutenant did grab or touch the complainant by the arm and escort him out the door but that there was no shoving involved. Mr. Pierre-Louis stated that the complainant did not allege any injuries from that interaction.

Ms. Hammond stated that she agreed with the monitor and the OPS finding on the first use of force allegation as *exonerated* and moved for the board to agree. Mickey Bradley seconded the motion. The motion carried unanimously.

Ms. Hammond stated that in regard to the second use of force allegation by the South Station lieutenant, she agreed with the OPS finding of *not sustained*. Marilyn Hammond moved to concur with the OPS finding. David Rozen seconded the motion. The motion carried unanimously.

CPRB No. 26-07/OPS NO. C07-569 (Presented by Edward Smart)

Chairman Edward Smart summarized the complaint. He stated that this case involved an incident on September 14, 2007. Chairman Smart stated that this case was suspended by the mayor's office until it was litigated in court. In 2007, the OPS looked into three (3) counts of use of force, one (1) count of conduct standards, and two (2) counts of call handling. Chairman Smart stated that in 2007, the Board did not review this case because Section 42.3.48 Suspension of Proceedings says, "Upon the written recommendation of the Corporate Counsel, Common Council, or Mayor, the Mayor may suspend the CPRB review of the complaint where a separate criminal investigation is underway or a civil action against the city is underway or pending. Upon the conclusion of such separate proceedings, the CPRB may resume or undertake its review." Chairman Smart further

stated that on or about April 4, 2012, the CPRB voted on a definition of standing so that there is some understanding of the legitimacy of who can file a complaint and also the timeframe the complaint is deal with. Chairman Smart stated that in looking at this particular complaint, this incident took place in 2007 and the police officers involved in this case and other parties are perhaps at this time no longer with the police force in the City of Albany. Chairman Smart stated that with that in mind, the Corporate Counsel and the CPRB concluded the following the following about complaints: 1) Any person who is directly affect by the alleged misconduct by the police officer(s)—such a person may be a victim of police activity, such as excessive use of force, violation of civil rights, incivility, rudeness, and such other improper practices now covered by the local law; 2) A parent, grandparent, legal guardian or sibling over the age of 17 may act as complainant on the behalf of a person who is under the age of 18 and otherwise eligible to be a complainant under paragraph one above; 3) On the behalf of a complainant eligible under paragraph one above, who is a person defined and afflicted with physical disabilities, mental disabilities, or impairments, the same person described in paragraph two above may serve as complainant; 4) Also bona fide, recognized organizations that directly support and offer assistance to the specific disability or the complainant shall be able to be complainants on their behalf. Chairman Smart stated that this is a document and is the law of the legislation that was passed about April 4, 2012.

Chairman Smart stated that this particular case has been on the docket for six (6) years and police officers involved are no longer with the police force. Chairman Smart also stated that the investigation of this took place under a separate Board. Although he thinks this case shows some merit, it was filed on the behalf, unfortunately, of a person who is now deceased.

It was noted that the family of the person whose behalf the complaint was filed, was present. Chairman Smart informed the family that they have a total of seven (7) minutes together to speak to the Board. The question before the Board is not about what took place but rather standing. Chairman Smart explained that the CPRB is governed by legislation, for example if a state trooper stops a person in the City of Albany and that trooper uses undue force, the Board has no legislative oversight on that state trooper or sheriff department or any other officer that is not a sworn and badge-carrying officer in the City of Albany. A male family member asked if the Board is a mediator between complainants and the police department. Chairman Smart replied in the negative. The male family member asked if the Board addresses any issues of that nature. Chairman Smart replied that the problem is that this complaint was filed by the family. Chairman Smart stated that this is a complaint filed on behalf of someone who is deceased. Chairman further stated that if he thought something had happened to his mother, he cannot file on behalf of his mother, because when the Board looks at a complaint, it has to be the complainant or the legal guardian of an underage complainant to file the

complaint according to the law. The male family member stated that at the time of the incident one of the people involved was under age and the person who is now deceased was placed in the position to address the issues. A female family member stated that she is the administrator of the deceased's children. One of the deceased's children stated that she is now over the age of 18 but was underage at the time of the incident. The family was wondering why this case took so long to be reviewed and that her mother was only brought to the scene because she was wrongfully arrested for no apparent reason. Chairman Smart stated that the case is coming up for review now because the review was suspended by the mayor's office because, he assumes but does not know for fact, that the family was taking legal action through a lawyer against the city. The male family member stated that the Justice Department also held its investigation pending on their investigation. He wanted to know why they would wait six (6) years after the court rendered its decision in the court matter in this case if they were not waiting on the court to render its decision. The male family member also stated that the mayor who suspended the case was no longer in office. Mr. Rozen stated that Mayor Jerry Jennings is still in office. The male family member clarified that he meant the police chief.

The female family member stated that she was present when the attack happened to her sister. She further stated that the family and eyewitnesses filed formal charges. She also stated that, even though her sister is not here, she was hospitalized and hurt by those officers. The family has made their peace with that and with God over the situation. She stated that the family is not looking for any comfort from the Board, but that what bothers her is when this same officer continues to stop and harass her sister's son. Chairman Smart stated that he suggests that the grown children of the deceased file a complaint. The deceased's son stated that he has but that it does not work. Chairman Smart clarified that the son should file a complaint with the CPRB. The son stated that he has filed complaints on the pink complaint forms but that they are thrown away. Chairman Smart stated that if the son files a complaint with the CPRB, the CPRB will not throw it away. The son stated that it gets thrown away at the police station where he has filled out a complaint form several times. Ms. Hammond stated that the son does not have to send the complaint form to the police station. He can send it to the law school. The son stated that he was never told this. Chairman Smart stated that he could pick up a form at the police station, fill it out and put it in the mail or give it to the guard at Albany Law School. Chairman Smart stated that once the son does this, the CPRB will receive and review the complaint. Chairman Smart further stated that the son has standing for his current complaints but the legislation that governs the CPRB does not give standing to deceased persons. Chairman Smart stated that the officers may not even be on the force any longer. The female family member stated that the family has made their peace, but that the officers will have to live with themselves. The female family member also stated that for the officers, six (6) years later, to continue to stop the deceased's child is a problem. Chairman Smart stated that a complaint should be filed by the deceased's son.

The deceased's daughter stated that at the time of the incident, she was 13 or 14 years old. At the time her mother tried to follow her when she left the scene. The daughter stated that because her mother is deceased, the CPRB is overlooking what the officers did. The daughter stated that even for days after the incident, her mother was saying that she was hurt by what happened and did not know why it happened. The daughter stated that she still thought something should be done, even though her mother is deceased. Just because she has passed away, does not mean that the complaint should be thrown out of the window. Chairman Smart explained that is not the reason why the Board cannot review this complaint. The reason is that there is a timeframe when this incident took place and the unfortunate demise of the mother. If the mother had filed a complaint in the timeframe, the Board would be dealing with it. Chairman Smart stated that the complaint was filed after the family member's death. Another male family member stated that the deceased was never in a physical state where she could file the complaint. Mr. Rozen stated that the Board is governed by rules set by the Common Council and the Mayor according to the law. Mr. Rozen further stated that under those rules, the Board does not have the authority to review this complaint. Chairman Smart instructed the deceased's children to file complaints because they have standing within the rules that gives the Board the authority to look at the complaint. Mr. Rozen stated that the Board wants to look at the complaint but can't because of the rules. The son stated that he has filed with the police and it did not go anywhere. Ms. Yeboah and Ms. Hammond both stated that the son did not file with the Board. The son stated that he was told to file with the police. Chairman Smart stated that the son was told wrong and that if he files with the Board, the Board promises it will deal with the complaint. Chairman Smart also told the family that he is giving them a remedy for the situation so that they will have standing. The daughter stated that is her understanding that she can file a complaint on her own behalf of what happened in 2007. Chairman Smart explained that complainants have six (6) months from the time of an incident to file a complaint. The son stated that one incident happened the Friday before the meeting. Ms. Yeboah and Chairman Smart told him he should file a complaint regarding that incident in the morning with Ms. Moseley. He made sure the son had her contact information. The son stated that every time he is stopped, the police tell him he fits a profile. Chairman Smart again stated that the son should file a complaint and he will have the full cooperation of the Board.

The son asked if the family would get a determination on paper. Chairman Smart stated that they would and it would be the word "standing," as they have discussed. Chairman Smart stated that the Board is not saying what happened to the children or the mother is correct, but that the Board is saying that family members can't file on the mother's behalf. The complainants must have standing. The female family member stated that the attorney filed the complaint on their behalf and she would expect him to know that. Chairman Smart stated that the attorney may not know. Chairman Smart stated that complaints that instruct the Board to contact this person or that person also violate

standing because in the City of Albany, these are citizens' complaints and not for their lawyers. Chairman Smart stated that the lawyer may come in and direct the conversation, but when the complaint is filed, the complainant must file it.

The daughter stated that the point of the family being there tonight was for the Board to tell the family that the Board could not review her mother's case and the family could not move forward with the complaint. Chairman Smart replied in the negative. He stated that the Board was explaining to the family what the law requires the Board to do and instructing the family how to find remedies for the complaints they have mentioned within the confines of the legislation.

The male family member stated that what happened in 2007 really affected him. It is like a slap in the face to be told that they could go no further six (6) years later. He stated that the Board did not have to wait six (6) years to tell him that. Chairman Smart stated that the Board received this complaint within the last couple of weeks. If a case, like this one, is suspended from the Board, it prevents the Board from even looking at it, until it is unsuspended by the Mayor.

Chairman Edward Smart moved that the Board close the case for a lack of standing. David Rozen seconded the motion. The motion carried unanimously.

B. Appointment of New Members on the Committee on Complaint Review for October 2013 Meeting

Committee Chair Akosua Yeboah stated that the next meeting is October 10, 2013. She reported that the following Board members were appointed to the Committee on Complaint Review for October 2013: Mickey Bradley, Anthony Potenza, David Rozen Chairman Edward Smart, and Akosua Yeboah.

C. Approval of 2011 Annual Report and Approval of 2011 Fourth Quarterly Report

The reports were reviewed. Akosua Yeboah moved to approve the reports. Anthony Potenza seconded the motion. The motion carried unanimously.

D. Committee Task Force Reports

By-Laws and Rules

Chairman Edward Smart stated that Committee Chair Eugene Sarfoh was present but had to leave, so he will give the report in his absence. Chairman Smart stated that the Board agreed to give complainants only have seven (7) minutes to speak at its meetings. This would include anyone speaking on their behalf. When the CPRB member is reviewing the complaint and complainant is not present when asked, the complainant loses his/her opportunity to speak. Chairman Smart stated that with this procedure in place, the

member will not have to go over the entire case review twice. Chairman Smart also stated that the GLC will add to the meeting notice letters a line such as "Please understand if you are not present when this meeting begins, you will lose your opportunity to speak during the review." Chairman Smart also stated that when the GLC staff let the Board know of a new complaint, the staff member will also let the board member know if the complainant is male or female. Chairman Smart also stated that, in regard to suspended cases, the city keeps track of all notice of claims. There is no system that separates the CPRB notice of claims from others. Chairman Smart further stated that the Board counsel will continue to work with the GLC staff to monitor those cases so that they are unsuspended in a timely manner.

Community Outreach

Committee Chair Yeboah stated there is at least one outreach presentation scheduled. She further stated that Mr. Rozen has been invaluable in setting up meetings with some of the neighborhood associations. Ms. Yeboah reported that there is a meeting next week on Wednesday, September 18. She further reported that there is also an outreach meeting to the LGBT Community to speak with them. Ms. Yeboah reported that she just received an email today from the GLC for recommended changes to the CPRB brochure. She will forward it to the committee.

Mediation

Board Counsel Patrick Jordan updated the Board on the progress of mediation. Mr. Jordan stated that he had a meeting with Detective Hendrick and Chief Krokoff and everything is ready. He further stated that all documents have been reviewed and approved by Assistant Chief Cox and the procedure that they worked out in today's meeting was just as they discussed it in July. Mr. Jordan stated that the fastest and correct way for the OPS to proceed is when Ms. Moseley or whoever is making the phone calls at the GLC to whomever is going to decide monitor/no monitor, they will approve or disapprove of mediation at that time so that the CPRB can quickly recommend it to the OPS, who will in turn communicate with Assistant Chief Cox. Mr. Jordan stated that at that point, if the assistant chief agrees, then the letter, which has been approved, will go to the complainant, asking if that complainant wants to go through mediation. Chairman Smart stated that he thinks that is wonderful and should go to the media for a press conference. Mr. Jordan stated that the biggest problem will be getting mediators. Chairman Smart asked who would be responsible for getting this information out to the media. Mr. Jordan replied that the GLC was most equipped for the press conference.

Police Department Liaison-Policy Review/ Recommendations

Committee Chair Anthony Potenza stated that he did not have anything to report.

Public Official Liaison

Committee Chair David Rozen stated that the Board is already aware, that Albany is getting new Common Council members and Mayor, so working with the Public Safety Committee and the new members and getting everyone up to speed will be great. Ms. Moseley asked when the Chairman wanted to schedule meetings with the Mayor's office and the new council members. Chairman Smart replied after they are sworn in in January.

Task Force on Monitors

It was noted that Task Force Chair Eugene Sarfoh left the meeting and did not leave a report so no report will be made.

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 fifty-one (51) active complaints before the Board for review. Of those fifty-one (51) active complaints, five (5) were reviewed and closed and one (1) was closed with no review by the Board at tonight's meeting. This leaves the Board with forty-five (45) active complaints. There will be at least one (1) case ready to go on the next meeting agenda.

It was reported that four hundred and sixty-five (465) 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 six hundred and twenty-two (622).

It was further reported that since the Board's last meeting on June 20, 2013, the GLC received twenty-seven (27) grievance forms, bringing the total number of forms received to four hundred and sixty-seven (467). In response to the GLC's outreach to all individuals, the GLC has received one hundred and thirty-three (133) CPRB complaint forms, which is 28% of the total number of complaint forms.

New Board Member Update and Re-Appointments

It was reported that new Board member Bill McCarthy has been appointed by the Mayor to fill the vacancy left by former Member Phelan. McCarthy's first term is set to expire on October 26, 2016. It was further reported that Chairman Smart has been re-appointed by the Mayor to a second three year term which is set to expire October 26, 2015.

NACOLE

It was reported that Chairman Smart along with Board members Rozen, Hammond and Coordinator of the Board Moseley will be attending this year's NACOLE conference from September 22-September 26 in Salt Lake City, Utah. Ms. Moseley stated that this year the Board will ask those going to NACOLE to make a written report for the next meeting rather than an oral report at the meeting. Ms. Hammond asked if an APD officer is attending. Detective Hendrick stated that there is not because no one was available.

Upcoming Meetings

It was reported that the next Board meeting is scheduled for Thursday, October 10 at 6 p.m.

F. Report from the Office of Professional Standards

OPS Detective Kathy Hendrick reported that OPS has fallen behind in its investigations and that is going to change because last Monday the OPS received three new detectives in the office. Detective Hendrick stated that the new detectives hit the ground running, were assigned nine (9) new cases each, and are all street veterans.

G. Report from the Chair

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


V. Public Comment

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

VI. Adjournment

Chairman Smart moved to adjourn the meeting. Marilyn Hammond seconded the motion. The motion carried unanimously. The meeting adjourned at 7:50 p.m.

Respectfully Submitted,


Akosua Yeboah
Secretary