

**City of Albany
Citizens' Police Review Board
GWU the Center
274 Washington Avenue – Teen Center Community Room
April 10, 2014
6:00 p.m. - 8:00 p.m.**

Present: Marilyn Hammond, Anthony Potenza, Maritza Martinez, David Rozen, Eugene Sarfoh, and Reverend Edward Smart

Absent: Mickey Bradley and Akosua Yeboah

I. Call to Order and Roll Call

Chairman Edward Smart called the meeting to order at 6:06 p.m.

II. Approval of the Agenda

Chairman Edward Smart requested that under the complaints for review item on the agenda, the Board will review CPRB No. 26-13/OPS No. CC2013-065 first and remove CPRB No. 21-13/OPS No. CC2013-061 from the agenda for the evening. The agenda was reviewed.

Anthony Potenza moved to approve the agenda. Eugene Sarfoh seconded the motion. The motion carried unanimously.

III. Approval of the September 12, 2013 Meeting Minutes

The September 12, 2013 meeting minutes were reviewed. David Rozen moved to approve the September 12, 2013 meeting minutes. Anthony Potenza seconded the motion. The motion carried unanimously.

IV. New Business

A. *New Complaints*

1. New Complaints Received since the March 13, 2014 Meeting

Chairman Edward Smart reported that the Board received three (3) new complaints since its March 3, 2014 meeting. Chairman reported that Board Secretary Akosua Yeboah was not present, so Vice-Chairman David Rozen would read the new complaints. Vice-Chairman David Rozen read the new complaints as follows:

CPRB No. 5-14/OPS No. CC2014-026

According to the complainant, on March 4, 2014 he was pulled over shortly after midnight. When he picked up his brother, he realized that his signal light was not working because someone hit his car. While questioning the complainant, the officer allegedly threatened to give the complainant several tickets if the complainant gave him attitude. The officer allegedly gave the complainant four tickets. The complainant believes that the officer pulled him over because of him and his brother's race.

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

CPRB No. 6-14/OPS No. CC2014-025

According to the complainant, on February 18, 2014 she was pulled over by two police vehicles after they followed her for several blocks at night with their headlights turned off. Four officers allegedly approached the complainant's vehicle and initially refused to inform her as to the reason she had been stopped. After gathering her license and registration, the officer informed the complainant that she had failed to stop at a stop sign or turn on her signal light. The complainant stated to the officer that he was lying. At which time a second officer approached and inquired if the first officer had adequately answered her questions. The claimant was unsure of the second officers meaning. At which point the second officer stated that she had been pulled over for failing to stop and failing to use a turn signal. The claimant requested the officers' names and badge numbers. The second officer became evasive and covered his badge. The claimant was issued a ticket after a fifteen (15) minute wait. When she again requested the second officer's name he again allegedly became evasive. The complainant felt violated and disgusted by the officers' behavior.

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

CPRB No. 7-14/OPS No. CC2014-024

According to the complainant, as he was leaving a store on Second Avenue, he and a few other individuals were allegedly stopped by the police. The officers allegedly asked everyone for IDs. The complainant did not have his ID, so the officer allegedly took him to the side and asked him to interlock his hands over his head. The complainant complied and the officer allegedly searched the complainant. The officer allegedly took out \$780 from the complainant's pocket and asked the complainant where he got this money. The complainant told him his mother gave him some of her income tax money. The officer allegedly told the complainant that he's not supposed to have this money on him, because he is on parole. The officer further told the complainant to have his mother go to the precinct to verify the story. When the complainant and his mother got to the

precinct, no one knew what they were talking about because the officer did not file a report.

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

2. Complaint(s) for Board Review

CPRB No. 26-13/OPS No. CC2013-065 (Presented by Maritza Martinez)

Chairman Edward Smart asked if the complainant was present. It was noted that the complainant was present.

Maritza Martinez stated that this complaint contained the following multiple allegations: one (1) allegation of arrest authority and procedures, two (2) allegations of conduct standing, and one (1) of call handling.

Ms. Martinez summarized the complaint. The complainant alleged that on June 28, 2013 he was driving his vehicle from his home and was stopped at the intersection of Madison and Grand Street waiting to make a left turn. A traffic safety car that had just made a right turn onto Grand Street, made a U-Turn on Grand to allow the car that was driving behind him to go straight, followed the complainant for a bit, then activated his lights, and pulled the complainant over on Madison Avenue and Philip Street. The officer told the complainant to keep his hands where he could see them and would not answer the complainant's repeated question of why he had pulled him over. Instead the officer asked the complainant "where are you coming from, where are you going to, do you have a valid driver's license, have you ever been arrested before?" The complainant stated that the officer asked him if he was knowledgeable of a death that had taken place the night before and where he was coming from. The complainant responded "no." After the questioning by officers and asking four (4) times why he was pulled over, the complainant was told that he had been pulled over because he had failed to signal as required for up to 100 feet before a traffic light before making a turn. The complainant stated that he was not asked for his license or registration during the course of questioning but he gave the items to the officer himself. When the officers checked the complainant's license, it was revealed that his license was suspended. When the officer returned to the complainant, he ordered complainant to put his "f**king" hands on his head and lock his fingers, as his door was being opened. The officer told the complainant to exit his vehicle. The complainant stated that the officer told him that if he moved he'd tase the "s**t" out of him, and placed him in handcuffs. The complainant was told by the officer that his license was suspended and that he was being arrested. The complainant was searched and was told to sit on the sidewalk at which time his sneakers were removed. As he was seated on the sidewalk it started to rain steadily. The complainant admitted to asking repeated questions such as "Why am I being treated like a criminal as if I had drugs on me?" and was excitable in his tone. The complainant stated that he was told to "shut up and to stop being a smart a**." While the complainant was in handcuffs, his car was ripped apart by officers without his consent. His car was shut off and his trunk was searched – again without his permission. At that time an officer found a pocket knife stuffed between his front seats. The complainant indicated that he uses that

knife for opening box inventory at his place of work. The complainant was then placed in the back seat of a patrol car and he could hear officers trying to decide what to do with him. At that point the complainant had calmed down and apologized for his excited behavior. He had been arrested before for carrying a weapon and was afraid because he knew he had the pocket knife that he only used for work. The officer told him he was going to cut him a break and would not arrest him but gave him two citations: one for failure to signal and the other for being an unlicensed operator. The officer did not have the complainant's car towed but instead waited with the complainant until a relative came to drive complainant and car home. The complainant alleged the only reason he had been pulled over was because he was black, and that he felt profiled simply because he was driving in that neighborhood. The complainant further claimed that he had never been made to feel so low or violated as he is a college graduate who graduated with honors. The complainant alleged that he asked many questions that were unanswered and felt that he had no voice throughout the entire incident.

Ms. Martinez acknowledged the complainant as being present and asked him if he had anything he wanted to say. The complainant stated that he agreed with Ms. Martinez report, except that the officer allowed him to drive his vehicle away from the scene. The complainant did not have any family members available to pick his vehicle up. He has been dealing with this matter in traffic court and explained his case to the district attorney who offered a fine for him to pay. The complainant stated that while he did not feel exactly racially profiled he felt profiled in the sense that he was not pulled over due to the failure to signal he felt that the failure to signal was not the underlying cause. The complainant stated that officers removing his shoes in the rain is not a typical traffic stop. He felt the officers were searching him for something. When he questioned why his shoes were off he was told to stop talking back and to stop being a smart a**. One officer did put his shoes back on. The complainant stated that he could have simply paid a fine to be done with this issue but he was here instead. He doesn't sell or use drugs and has a new born son. This interaction with the police made him really feel low. He graduated with honors receiving a bachelor's degree in criminal justice so he knows the proper procedure. The complainant does not agree with the initial stop. He had been sitting at the corner for a while prior to the officer arriving on the scene. He then turned the blinker on to turn right. The complainant feels that this was an excuse to pull him over. The complainant acknowledged his licenses was suspended because when he was working as a truck driver, he was pulled over in an employer's vehicle which was not properly inspected. The employer never dealt with that ticket and that created the suspension on the complainant's license. The complainant stated that no one was aware of his license suspension, and that the officer would not have known of the suspension without checking the status of his license. He does not feel that the stop was reasonable. He did not given anyone permission to search his vehicle and trunk. He felt that the search was unreasonable because after the pocketknife was found, the small blade was given back to him as it was not illegal. The complainant stated that he had that small knife in his vehicle because he does inventory and had just gotten off of work. He understood the officer was doing his job but not everyone is breaking the law. Not everyone is a criminal just because they reside in a specific neighborhood. The complainant still feels upset because he was profiled due to where he lives and is upset with how he was treated as he was not allowed to voice his opinion.

Ms. Martinez reported that monitor George Kleinmeier was assigned to the case and was present. Mr. Kleinmeier reported that the officer saw a knife hidden between the seats, and that was why the officer placed the complainant in handcuffs and removed the complainant from the vehicle. Mr. Kleinmeier reported that the knife and the complainant's prior conviction for possession of a weapon caused the incident to escalate.

The complainant stated that he was already in handcuffs and sitting on the curb when the officer was told about knife. Since he was unaware of the location of the knife, he warned the officers of the item. So he was not trying to hide the knife.

Chairman Edward Smart reported that the law allows officers to stop and detain anyone when there is probable cause to believe a crime has been committed. Chairman Smart stated that the officer was acting within the law when he made the stop. In situations of people being pulled over without a license, their cars are typically towed away. In this case, the office may have actually shown some compassion in not towing away the vehicle.

Ms. Martinez reported that she reviewed the following items: Citizen Complaint Form; Confidential OPS Report; APD Training Bulletin; NY v. Belton; and the Monitors Report.

Ms. Martinez summarized the OPS finding for first allegation of arrest authority and procedures as *exonerated* where the acts prove the basis for the complaint occurred but the review shows that the acts were proper. The complainant alleged that his vehicle was searched without his permission. Based upon the OPS investigation, it was found that probable cause is needed to conduct a traffic stop. Failure to signal before 100 feet of the light was probable cause for the officer to make the stop. Ms. Martinez reported that she concurred with the OPS finding because based on the SOP the officer was acting within his boundaries.

Maritza Martinez moved to concur with the OPS finding of *exonerated* for the arrest authority and procedures allegation. David Rozen seconded the motion. The motion carried unanimously.

David Rozen stated that the police had probable cause to stop the complainant's vehicle based on the failure to signal. After the stop, the officer ran a license check which listed the complainant's license as being suspended. Mr. Rozen commented that the interaction between the officer and the complainant raised the level of probable cause to allow for the search of the vehicle.

The complainant stated that probable cause would only exist if the officer observed the incident, it was not until the light had turned green that the officer had come on the scene. The complainant further stated that his blinker was on and it was then that the officer pulled him over. The complainant feels that there was never a failure to signal and that the officer could not have seen him approach the light. The complainant raised a concern that he was questioned about murders and other activities when he was stopped for a traffic infraction.

Ms. Martinez summarized the OPS finding as ***not sustained*** for conduct standards allegation where the review fail to disclose sufficient facts to prove or disprove the allegations made in the complaint . The complainant alleged that the officer told him to put his “f***ng hands on your head and if you move, I will tase the s**t out of you.” Based on the OPS investigation, the officer does not remember the content of his statement but does recall making some statements. Additionally, the officer does not have certification to carry a taser so the officer would not threaten the use of the device without one on hand. Ms. Martinez stated that without witnesses, a DVR recording or evidence to support the complainant’s allegations, she must concur with OPS finding of ***not sustained***.

Chairman Smart inquired as to why there was no DVR footage of this incident. Ms. Martinez replied that there were no DVR units in the vehicles that were at the scene.

Chairman Smart asked Commander Hicks if these vehicles were equipped with DVR units and what vehicles have these units. Commander Hicks replied that the patrol unit had the units in them but the mount was improper. There was also a detective unit on the scene, but that unit did not have DVR capability.

The complainant stated that a traffic safety unit made the initial stop and then two (2) patrol units arrived. Then a detective unit came to the scene but quickly left.

Ms. Martinez reported that not having any video to review hampers the investigation. She would like the Board to recommend that DVR issues in the vehicles are to be looked at.

The complainant stated that the officer told him that this was not his vehicle and that it may not have had video capability. The complainant stated he is confused as to why there was not video if it is a required. The complainant also stated that the detective only looked at him briefly then pulled away from the scene.

Chairman Smart stated that this is an unfortunate case because we do not have the DVR footage and it makes it difficult for the board to judge the merits of a claim. Chairman Smart stated it is the Board’s position that all the cars in the APD must have the DVR units and that they must be turned on when they are needed.

Chairman Smart requested that the Board be informed of the status of the vehicles’ DVR units and that all APD vehicles have DVR units including the standby units.

Commander Hicks stated that traffic unit generally have DVR and that it may have been malfunctioning at the time of the incident. Commander Hicks stated that he will report back when he hears further information on the status of this vehicle.

Ms. Martinez stated that she would like the video if it is available, as it is the best way to decide these cases.

Marilyn Hammond stated that even without the video, audio may help in these cases. Ms. Hammond stated that in her opinion it is taking way too long to turn the video on and

to receive the video if it exists. Ms. Hammond further stated that the lack of video creates a further upset with other complainants.

David Rozen moved that the Board concur with the OPS finding of *not sustained* on the conduct standard allegation as it is impossible to get the video for this complaint. Mr. Rozen explained that not sustained means that there are not enough facts in the record to either prove or disprove the allegations made in the complaint. Mr. Rozen would like to recommend that this car has a camera equipped and working to protect others from this situation. Maritza Martinez seconded the motion. The motion carried unanimously.

Chairman Smart requested a letter be drafted and sent to Chief Krokoff concerning the DVR in the vehicles which were involved in this incident.

Ms. Martinez summarized the OPS finding as *exonerated* for the call handling allegation where the acts prove the basis for the complaint occurred but the review shows that the acts were proper. The complainant alleged that the officer asked him several questions and he felt he didn't have a say in the process and that his rights were violated. Based on the OPS investigation, it was found that the officer admitted to asking the complainant the same questions that were listed in the complaint. However, it was found that these questions are considered to be field interview or general inquiry questions which the complainant did not have to answer. Ms. Martinez reported that even though she concurred with the OPS finding, the officer should have answered the complainant's initial question of why he was being stopped as soon as the officer approached him. Ms. Martinez stated that no one likes to feel like they are invisible or insignificant. If the officer simply responded to the complainant's question then the complainant's "irate" behavior.

Maritza Martinez moved to concur with the OPS finding of *exonerated* for the call handling allegation. Chairman Edward Smart seconded the motion. The motion carried unanimously.

Ms. Martinez summarized the OPS finding for conduct standards allegation as *unfounded* where the review shows that the act or acts complained did not occur or were misconstrued. The complainant alleged that the officer stopped him because the officer "profiled him" and would have never found out that the complainant had a suspended license if the officer didn't profile people. Based on the OPS investigation, it was found that the officer stated that the complainant was stopped for a traffic infraction and wrote the summons for the same. The officer denied stopping the complainant because he was black and stated that he couldn't tell what color the complainant was until he was pulled over. The officer also stated that someone was killed the night before in that same neighborhood because of a traffic violation and he was going to be issuing citations to anybody who was in violation of a traffic rule.

Ms. Martinez stated that she concurred with the OPS finding of *unfounded*. There is cause for concern if the sitting on the sidewalk move like he was a criminal for all to see was necessary. Ms. Martinez further stated that the complainant was already in handcuffs. His sneakers could have been removed and have him sit in the back seat of the patrol car with his legs out of the car while his shoes were checked for a weapon.

Maritza Martinez moved to concur with the OPS finding of ***unfounded*** for the conduct standards allegation. David Rozen seconded the motion. The motion carried unanimously.

Smart thanked the complainant, and stated that while we did not sustain the complaint, the Board understood his issues with the DVR and that that particular issue will be looked into.

CPRB No. 14-13/OPS No. CC2013-042 (Presented by Edward Smart)

Chairman Edward Smart summarized the complaint. The complainant alleged that an officer came into her home under the pretense of loud noise. When the officer entered the home he claimed he smelled marijuana and ordered everyone to leave the residence. The complainant alleged that the officer has a vendetta against her boyfriend and followed her while she was driving.

Chairman Edward Smart reported that monitor Theresa Balfe was assigned to this case and was present.

Chairman Smart reported that he reviewed the following documents: Citizen Complaint Form; Investigators Report; Confidential Report; Field Investigation Report; Citizen Grievance Form; three (3) IDC; Call Report; Letter to Report; and Disciplinary Advice of Rights.

Ms. Balfe reported that there was a thorough investigation in this case. There were no citations given and no arrests made. Ms. Balfe stated that the complainant is not present nor is the OPS detective present.

Ms. Balfe reported that while the complainant alleged that the police arrived due to a pretense of loud noise and vendetta it is actually the complainant's boyfriend that thinks there is a vendetta against himself, not against the complainant directly. Ms. Balfe reported that there was an odor of marijuana. The complainant informed her that she did have loud music and had been smoking marijuana, and that her neighbor had called the police because of the noise.

Chairman Smart summarized the OPS finding for the call handling allegation as ***unfounded*** where the review shows that the act or acts complained did not occur or were misconstrued. The complainant alleged that an officer came to her home under the pretense of loud music. The officer smelled marijuana and made everyone exit the residence. The complainant further alleged that the officer began searching her apartment and opening kitchen cabinets. Based on the OPS investigation, it was found that the complainant admitted to having loud music and that someone was smoking marijuana in the apartment. All of the officers stated that no search took place, no citations were issued, and no arrests were made although marijuana flakes were noticed and a grinder was visible.

Chairman Smart suggested that the complainant's fourth amendment was not violated and no evidence was obtained. Chairman Smart stated that the officer was responding to

a complaint of loud music and they handled themselves in a professional manner. Chairman Smart stated that he agreed with the OPS finding of ***unfounded***.

Chairman Edward Smart moved to concur with the OPS finding of ***unfounded*** for the call handling allegation. Tony Potenza seconded the motion. The motion carried unanimously.

Chairman Smart summarized the OPS finding for the conduct standards allegation as ***not sustained*** where the review fails to disclose sufficient facts to prove or disprove the allegation made in the complaint. The complainant alleged that the officer had a vendetta against her boyfriend and followed her while she was driving. Based on the OPS investigation, it was found that the officer stated he did not follow the complainant and was not following her in any capacity.

Chairman Smart noted that there was no DVR footage. The officer never moved his vehicle and turned on lights. While an officer may have looked at the complainant, looking at an individual is not indicative of vendetta against that person or their boyfriend. Chairman Smart stated that the officer was following a prior incident.

Chairman Edward Smart moved to concur with the OPS finding of ***not sustained*** for the conduct standards allegation. Tony Potenza seconded the motion. The motion carried unanimously.

CPRB No. 15-13/OPS No. CC2013-044 (Presented by Marilyn Hammond).

Marilyn Hammond summarized the complaint. The complainant alleged that her son was chased on foot by officers. After getting her son on the ground the officers kicked him in the back of his head, causing him to suffer an injury to his two (2) front teeth.

Marilyn Hammond asked if the complainant was in attendance. It was noted that the complainant was not present.

Ms. Hammond reported that she reviewed the following documents: Complaint Form; eight (8) IDC; Monitor's Report; Call Tickets; Juvenile Contact Card; Field Interview Card; APD Blotter; Notes of Criminal Investigator; Incident Report; and Domestic Incident Report.

Ms. Hammond stated that the officer who observed the complainant had asked the complainant how he received the abrasions to his face to which the complainant responded that he fell in the parking lot while running. The officer asked how he clipped his teeth, to which the complainant responded that he fell hard. The officer then inquired as to whether he was in pain, or wanted medical attention and the complainant responded that he was alright. The officers stated that the complainant was chased because he matched the description of a subject fleeing the scene of a report of shots fired. The complainant jumped off his bicycle and met up with three (3) other males who all ran away from the officers after being told to stop. The complainant told his mother that he had knocked his teeth out when running from the police who responded that she should knock the rest of them out for him being so stupid. Ms. Hammond stated there was only one witness in this case. This witness claimed he did not see any excessive use of force.

Ms. Hammond reported that monitor Richard Lenihan was assigned to this complaint and was present

Ms. Hammond inquired if the complainant was kicked in back of his head would there have been medical records of an injury to the back of his head in addition to his teeth being knocked out? Ms. Hammond stated there were no medical records in this case, nor were there any DVR footage.

Mr. Lenihan replied that there likely would have been medical records if the complainant was injured as alleged. Mr. Lenihan further reported that there was no DVR footage because the complainant was apprehended on foot and not via a vehicle.

Ms. Hammond summarized the OPS finding for the use of force 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 her son was chased on foot by officers. After getting on the ground, he was allegedly kicked in the back of his head causing him to suffer an injury to his two (2) front teeth. Based on the OPS investigation, it was found that the officer stated that the son received his injuries as a result of a fall while running from the police. The officers stated they placed their knee on the small of the son's back while on the ground. This technique is used to gain compliance and assist in the controlling and handcuffing of a subject. The officers involved in using this technique have all received training in the proper use of the technique which applies no force to the head or facial area of a subject. The injuries sustained are consistent with a subject falling face first onto an asphalt surface. Ms. Hammond stated that based on all the evidence presented she concurred with the OPS finding.

Marilyn Hammond moved to concur with the OPS finding of ***not sustained*** for the use of force allegation. David Rozen seconded the motion. The motion carried unanimously.

CPRB No. 56-12/OPS No. CC2013-002 (Presented by Anthony Potenza)

Anthony Potenza reported that this complaint contained an improper arrest authority and procedures allegation. Mr. Potenza reported that no monitor was assigned in this case.

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

Mr. Potenza reported that he reviewed the following documents: Complaint Form; Complainant Statement; Confidential Report; Booking Report; Arrest Report; Call Ticket; and IDC.

Mr. Potenza summarized the complaint. The complainant alleged that he was approached by an officer who stated that if the complainant was anyone else he would have beaten or shot him. He further alleged that the officer picked up a glass pipe off of the ground and stated to complainant that he witnessed him throw said pipe to the ground. The complainant stated that he did not throw said pipe and it was not his. The complainant then alleged that he was placed in handcuffs and arrested for possessing said pipe.

Mr. Potenza reported that various attempts were made to locate the complainant. The police department attempted to contact complainant on multiple occasions including, visiting locations where the person lived and places where the person frequented but never found complainant.

Mr. Potenza summarized the events as summarized in the Call ticket, arrest reports and IDC's. The complainant was riding his bicycle the wrong way up a one-way street as the APD was approaching going the lawful way down the street. The complainant observed the officers, sped his bicycle up, and pulled into an abandoned lot owned by the city of Albany. Mr. Potenza reported that there was DVR video, but it was only in car footage taken during the complainants transport to the station and not during the actual arrest.

Mr. Potenza stated that based on the OPS investigation, the officer observed the complainant riding a bicycle the wrong way on a one-way street. When the officer attempted to stop the complainant by using verbal commands to stop and show his hands, the complainant attempted to hide by lying on the ground in the grass of the lot with his hands tucked under his body. As the officers attempted to pick the complainant up he tried to discard the glass tube. The tube was field tested and tested positive for crack cocaine. The second officer's IDC corroborated the statements of the first officer. After a review of the IDC's, the APD again made efforts to locate the complainant using potential phone numbers and addresses, all of which turned up negative.

Mr. Potenza stated that based on the reports of the officers and the numerous attempts to locate the complainant he concurred with the OPS finding of ***no finding*** because there was no way to substantiate the complaint as there was no contact with the complainant.

Anthony Potenza moved to concur with the OPS finding of ***no finding*** on the arrest authority and procedures allegation. Chairman Edward Smart seconded the motion. The motion carried unanimously.

CPRB No. 9-13/OPS No. CC2013-021 (Presented by David Rozen)

David Rozen summarized the complaint. The complainant alleged that at approximately 8:00 AM on March 6, 2013, he was walking to the store at the bottom of Second Avenue. He stopped to talk to a few of his friends and then proceeded to the store. When he exited the store, a uniformed officer pulled up and stopped him, searched him, asked him questions and arrested him.

Mr. Rozen stated that a monitor was not assigned for this case.

Mr. Rozen reported that he reviewed the following documents: Citizen Complaint Form; OPS Confidential Report; Call Dispatch Record; Arrest Report; Incident Report; Field Interview; Property Report; IDC; Email Correspondence; APD Trespass Affidavit; Program Search; APD Trespass Affidavit; and NY Penal Law Section 140.05- Trespass.

Mr. Rozen reported that the complainant had been sitting against the building wall. In Albany, a home owner can register property to be a "no trespass" property. The city then posts a large sign on the property stating it is a no trespassing area. The complainant

admitted to the officers that he had seen the two (2) no trespassing signs. Mr. Rozen stated the complaint stems from a difference in the complainant and the officers statement of events. Mr. Rozen stated that according to the officers, the complainant had been sitting against the wall for a period of time for no apparent purpose. While the complainant alleged he had simply been talking to friends. Mr. Rozen further reported that after being questioned about having any drugs on him the complainant produced eight (8) plastic bags containing marijuana from his pocket.

Mr. Rozen stated that the OPS finding for the arrest authority and procedures allegation was ***not sustained***, where the review failed to disclose sufficient facts to prove or disprove the allegation made in the complaint. Mr. Rozen stated that is due to the fact that this case has no evidence except for the conflicting statements.

David Rozen moved to concur with the OPS finding of ***not sustained*** on the arrest authority and procedures allegation. Marilyn Hammond seconded the motion. The motion carried unanimously

CPRB No. 18-13/OPS No. CC2013-052 (Presented by Eugene Sarfoh)

David Rozen stated for the record that he knows the complainant in this case and was at the location where this event occurred. Mr. Rozen therefore recused himself and abstained from voting on this case.

Eugene Sarfoh stated that this complaint stemmed from an incident that occurred during the Albany County Democratic Committee event involving an off duty officer. This complaint involved an off- duty conduct standards allegation. Mr. Sarfoh summarized the complaint. The complainant alleged that upon the adjournment of the Albany County Democratic Committee, an officer walked within inches of the complainant's face and said "You don't know me that well. I'm not that nice." The complainant felt that statement was meant as an intimidation or a threat. The complainant told the officer that he knows his record so he knows he is not nice and doesn't care that he has a badge. The officer replied, "We will see." The officer allegedly later bumped the complainant's arm with force when he left.

Mr. Sarfoh reported that he reviewed the following documents: Email Correspondence; Times Union Article; and Confidential Report.

Mr. Sarfoh stated that the email sent to Chief Krokoff alleged that the officer involved was engaged in partisan political conduct. Mr. Sarfoh stated that the Times Union article contained a statement from the officer in which he denied having any physical contact with the complainant.

Mr. Sarfoh stated that the complaint was received on May 25th, the Times Union was notified by the complainant on June 9th, and the email to Chief Krokoff was sent in August.

Mr. Sarfoh reported that in November of 2013 the officer involved in this complaint had retired. Mr. Sarfoh reported that the OPS recommended *no finding* because officer in no longer employed by the city.

Eugene Sarfoh moved to concur with the OPS finding of *no finding* in the off-duty conduct standards allegation. Chairman Edward Smart seconded the motion. The motion carried unanimously

B. Appointment of New Members to the Committee on Complaint Review for May 2014

Chairman Edward Smart noted that there are many cases scheduled for the next meeting. It was further stated that because of the amount of cases the Board may need to schedule two (2) meetings in May to keep up with the case load.

The following Board members were appointed to the Committee on Complaint review for May 2014: Marilyn Hammond, Anthony Potenza, Maritza Martinez, David Rozen, Eugene Sarfoh, and Chairman Edward Smart

C. Committee Task Force Reports

Chairman Edward Smart reported that some of the committee chairs need to be switched, as the current chairs are not in line with the Board's by-laws.

Coordinator of the Board Sharmaine Moseley stated that the current Chairman of the Board must be the chair of the Public Official Liaison Committee.

Chairman Edward Smart requested that David Rozen become the Chairman of the By-laws and Rules committee.

By-Laws and Rules

Committee Chair Gene Sarfoh reported that David Rozen is now Chairman of this committee.

Community Outreach

Chairman Edward Smart commended Committee Chair Akosua Yeboah and Vice-Chairman David Rozen on their continued commitment to community outreach. He thanked Maritza Martinez for inviting the Board to speak to UAlbany's EOP students.

David Rozen thanked Mickey Bradley for attending the most recent ACPAC meeting. Mr. Rozen reported that ACPAC requested that a Board member attend each of their meetings. Mr. Rozen stated that the Board has been great in attending the regular

ACPAC meetings. Mr. Rozen reported that Committee Chair Akosua Yeboah attended one neighborhood association meeting since the Board last met.

Mr. Rozen further reported that the committee is currently working with the common council to help advise the public of what the CPRB does at its meetings. It was reported that the committee is also working on updating the Board's brochure to include more information. These brochures are almost complete.

Mr. Rozen presented a document published by NACOLE which demonstrates how a CPRB helps the public. NACOLE has allowed the Board to post this document on the website.

Mediation

Anthony Potenza stated that he had a report that was prepared by Committee Chair Mickey Bradley in his absence.

Mr. Potenza read Committee Chairman Bradley's report. "Members of the Mediation Committee along with Christine Caputo-Granich who is Counsel for the police officers' union have interviewed a number of mediator candidates and selected five (5) as the initial group of mediators. These five (5) are currently enrolled in the Citizens' Police Academy, after which the GLC will conduct additional training to prepare them for their roles. We expect them to be ready to begin the first mediation sessions this summer. In the meantime, we continue to solicit new candidates and to receive and review resumes from potential mediators. Mr. Bradley would like to express huge thanks to Tony Potenza, Akosua Yeboah, Sharmaine Moseley, and Christine Caputo-Granich for all the time and careful consideration they have dedicated to this process. We interviewed many fine candidates and feel very confident that the ones selected will make the mediation process a big success for the citizens of Albany and the members of the police department.

Police Department Liaison-Policy Review/ Recommendations

Committee Chair Anthony Potenza reported that the committee was scheduled to have a meeting the previous Tuesday but Chief Krokoff needed to postpone the meeting. The meeting will be rescheduled.

Public Official Liaison

Committee Chair David Rozen reported that Chairman Edward Smart is the new chair of this committee. Mr. Rozen reported that the committee met with the newly elected Mayor and the Common Council Public Safety Committee. It was reported that both the Mayor and the Common Council are highly impressed with the Board and are committed to the Board's future success. The committee is currently reviewing the Board's subpoena power and the potential for independent counsel.

Task Force on Monitors

Task Force Chair Eugene Sarfoh reported that since the last Board meeting he had been working on reviewing the monitors. During this review he has met with a number of monitors and have complied their thoughts. He is waiting for the remainder of the monitors thoughts before coming up with a formal report. Mr. Sarfoh stated that some of the issues he will likely address are the nature of the monitor's process, and the differences that some monitors have in their individual review process. Mr. Sarfoh stated that while this is something to be reviewed, the monitors are overall impressed with both the help the GLC provides and the access they are given by the OPS. Mr. Sarfoh reported that there are some issues with a variation in the length of the reports filed by the monitors and how this can be reviewed and how the monitor's process can be potentially streamlined. Mr. Sarfoh stated that there is a need a refresher course because there has been some turnover in our membership. Mr. Sarfoh stated that he does anticipate a formal report by the next meeting.

D. Report from the Government Law Center

Government Law Center (GLC) Coordinator of the Board Sharmaine Moseley gave the report.

Complaint Inventory as of Date of Meeting

It was reported that included in tonight's packets is the complaint database scorecard. As of today, there are currently forty-nine (49) active complaints before the Board for review. Of those forty-nine (49) active complaints, six (6) were reviewed and closed by the Board at tonight's meeting. This leaves the Board with forty-three (43) active complaints. There are between seventeen to twenty (17 – 20) cases ready for review at the Board's May meeting. Due to the amount of cases ready for review it is the GLC's recommendation to have two (2) meetings in May.

It was reported that five hundred and eighty-nine (589) complaints have been closed. The total number of complaints that are suspended from review is nine (9). The total number of complaints filed to date is six hundred and forty (640).

It was further reported that since the Board's last meeting, the GLC received five (5) grievance forms, bringing the total number of forms received to five hundred and twenty-five (525). In response to the GLC's outreach to all individuals, the GLC has received one hundred forty-two (142) CPRB complaint forms, which is 27%.

New Board Member/Re-Appointments

Chairman Edward Smart reported that member Bill McCarthy has submitted his resignation. It was reported that Mr. McCarthy resigned because he has received a new job in Manhattan and he will be moving there shortly. The CPRB legislation requires that members must reside in the city of Albany during their service on the Board.

Ms. Moseley reported that the GLC will be sending a letter out to the Mayor's office requesting that she fill the vacancy left by Mr. McCarthy. Ms. Moseley also reported that the GLC will be sending a letter to the Common Council to address the reappointment of two (2) members and one (1) member who will not be able to be reappointed as he has reached his term limit.

NACOLE

It was reported that this year's NACOLE Conference is in Kansas City, Missouri from September 14-18. The GLC requests that all Board members who would like to attend to let the GLC know so they can be registered for the conference.

Upcoming Meetings

It was reported that the next Board meeting is scheduled for Thursday, May 8th

It was further reported that Vice-Chairman David Rozen will be the acting chair during the May 8th meeting in the absence of Chairman Edward Smart.

E. Report from the Office of Professional Standards

OPS Detective Kathy Hendrick and Commander Michael Hicks were present. Commander Hicks stated that he had nothing new to report to the Board.

F. Report from the Chair

Chairman Edward Smart stated that he gave his report as the Board has moved through its agenda.

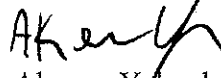
V. Public Comment

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

VI. Adjournment

Chairman Edward Smart adjourned the meeting at 7:23 p.m.

Respectfully Submitted,


Akosua Yeboah
Secretary