

City of Albany
Citizens' Police Review Board
GWU the Center
274 Washington Avenue – Teen Center Community Room
September 11, 2014
6:00 p.m. - 8:00 p.m.

Present: Mickey Bradley, Anthony Potenza, Eugene Sarfoh, Reverend Edward Smart, and Akosua Yeboah

Absent: Marilyn Hammond, Maritza Martinez, and David Rozen

I. Call to Order and Roll Call

Chairman Edward Smart called the meeting to order at 6:02 p.m.

Chairman Smart introduced Leah Golby. Ms. Golby is the chairperson for the Common Council's Committee on Public Safety. Chairman Smart thanked her for taking the time from her busy schedule to observe tonight's meeting.

Councilperson Golby stated that she was happy to be in attendance. She thanked Chairman Smart and the Board for their dedication and the great service it provides to the city.

Chairman Smart then introduced Beverly Padgett. Ms. Padgett stated that she is the Chairperson for the Albany Community Policing Advisory Committee (ACPAC). Ms. Padgett explained that the committee is appointed by the Common Council and covers all fifteen (15) wards of Albany. Ms. Padgett stated that one of ACPAC's goals is to engage with local business, non-profits, and other organizations around the city of Albany. Ms. Padgett reported that, so far, ACPAC has been successful, and that this success is apparent at the community forums that ACPAC holds. The committee's success is reflected in that each meeting has gotten less hostile and standoffish. Ms. Padgett stated that ACPAC does not handle any complaints from citizens. ACPAC refers complaints to the CPRB. ACPAC is tasked with supporting the community policing model and they work closely with the community engagement officers. Ms. Padgett explained that in addition to community engagement officers there is also team policing. If an incident occurs on one shift it will be carried over to the next shift in an attempt to resolve it in a timely manner. ACPAC and the APD are attempting to engage the youth of Albany using programs like equinox, basketball, bicycle programs, and the cadet program. Ms. Padgett explained that the goal of this outreach is to show that officers are people. Ms. Padgett stated that the next ACPAC community forum meeting is on October 21 in the Hyatt Hall of Albany Medical Center. Ms. Padgett further stated that they would like to invite students and young people who live in Albany to attend.

Chairman Smart thanked both Ms. Padgett and Councilperson Golby for attending and for all work they do in the city of Albany.

II. Approval of the Agenda

Eugene Sarfoh moved to approve the agenda. Akosua Yeboah seconded the motion. The motion carried unanimously.

III. Approval of January 16, 2014 Meeting Minutes

Chairman Edward Smart asked if there was a motion to approve the January 16, 2014 meeting minutes.

Mickey Bradley moved to approve the January 16, 2014 meeting minutes. Anthony Potenza seconded the motion. The motion carried unanimously.

Approval of March 13, 2014 Meeting Minutes

Chairman Edward Smart asked if there was a motion to approve the March 13, 2014 meeting minutes.

Mickey Bradley moved to approve the March 13, 2014 meeting minutes. Akosua Yeboah seconded the motion. The motion carried unanimously.

Approval of April 10, 2014 Meeting Minutes

Chairman Edward Smart asked if there was a motion to approve the April 10, 2014 meeting minutes.

Akosua Yeboah moved to approve the April 10, 2014 meeting minutes. Eugene Sarfoh seconded the motion. The motion carried unanimously.

Approval of May 8, 2014 Meeting Minutes

Chairman Smart asked if there was a motion to approve the May 8, 2014 meeting minutes.

Chairman Edwards Smart moved to approve the May 8, 2014 meeting minutes. Anthony Potenza seconded the motion. The motion carried unanimously.

Approval of May 25, 2014 Meeting Minutes

Chairman Edward Smart asked if there was a motion to approve the May 25, 2014 meeting minutes. Chairman Smart stated that having two (2) meetings in May showed just how hard the Board was working that month.

Chairman Edward Smart moved to approve the May 25, 2014 meeting minutes. Akosua Yeboah seconded the motion. The motion carried unanimously.

Approval of June 26, 2014 Meeting Minutes

Chairman Edward Smart asked if there was a motion to approve the June 26, 2014 meeting minutes.

Anthony Potenza moved to approve the June 26, 2014 meeting minutes. Eugene Sarfoh seconded the motion. The motion carried unanimously.

IV. New Business

A. *New Complaints*

1. New Complaints Received Since the April 10, 2014 Meeting

Chairman Edward Smart reported that the Board received sixteen (16) new complaints since its July 26, 2014 meeting. Chairman Smart stated that at a previous meeting it was agreed that only the new complaints that were not appointed monitors would be read at the meeting.

Secretary Akosua Yeboah read the new complaints that were not assigned monitors.

The sixteen (16) new complaints are listed as follows:

CPRB No. 20-14/ OPS No. 2014 – 058

According to the complainant, on June 24, 2014, after the complainant walked down the block to a mail box and while the complainant was standing on his property at five a.m. non-uniformed officers jumped from an unmarked car and handcuffed him. The complainant alleges that the officers had no reason to question him, and no reason to detain him. The complainant further alleges that the officers involved threatened to tase him, while he was not resisting. The complainant alleges that the handcuffing was painful and left marks on his wrist which lasted all day.

A monitor was appointed to investigate this complaint.

CPRB No. 21-14/ OPS No. 2014 – 059

According to the complainant, on June 19, 2014, she called the police to report an assault on her by her uncle. The complainant alleges that she placed her call at 8:57 p.m. and police arrived on the scene at 9:09 p.m. and one officer began to harass and threaten her boyfriend. According to the complainant this is the second interaction she has had with this officer specifically, that the officer responded to a false allegation reported by her uncle against her boyfriend on a previous date. The complainant alleges that the officer stated she was tired of receiving calls about the complainant's boyfriend, that he was "a monkey ass," and that "One day she will shoot his black a**." When a second officer arrived on the scene, the complainant asked if she could press charges and receive a restraining order for her uncle, that officer said "yes" but she would have to explain what happened. The complainant explained the incident to the second officer and showed her injuries to the officer. Her injuries included a bloodied and bleeding lip and swollen face.

The complainant further alleges that while she was discussing the events with the officers she waited twenty minutes for an ambulance to arrive and she could hear her five month-old child crying from inside her residence. While her child was crying the officers refused to allow her boyfriend from entering the residence to tend to the child. The complainant was transported to the hospital then released after treatment. The complainant further alleges that upon her release she went to her cousin's home to retrieve her child where she observed an individual taking pictures of her uncle's car. The complainant was then arrested for harassment and criminal mischief. The complainant alleges that when she was handcuffed the officer forcibly pushed her hands behind her back and interlocked her fingers with force. The complainant alleges that she had previously injured her finger and attempted to explain that fact to the officer. The complainant further claims that after she was transported she had indentations on her wrists from the handcuffs. The complainant alleges that the officers did not arrest her uncle for assaulting her.

A monitor was appointed to investigate this complaint.

CPRB No. 22-14/ OPS No. 2014 – 059

According to the complainant, on June 19, 2014 at around 9 p.m., he arrived at his apartment and noticed his girlfriend's swollen face and bleeding lip. The complainant was informed that she was assaulted by her uncle. The complainant alleges that when officers arrived on the scene and immediately began harassing him and his girlfriend. The complainant further alleges that one specific officer arrived and stated to him "I'm tired of getting calls about your monkey a**" and "One day I'm going to shoot your black a**." The complainant alleges that there was another officer who could not be identified because he was hiding his badge number. This officer allegedly stated that "We're back out here because of your f*****g a**. Let's just lock this piece of s*** up and be done with this s***." The complainant alleges that he was forced across the street with his crying five month-old son in his arms. Once across the street he was not allowed to go to his apartment to comfort his son. After his girlfriend was transported to the hospital, he asked to cross the street and was allegedly told to keep his black a** across the street before he is locked up and his son turned over to cps. The complainant alleges that after his girlfriend was discharged from the hospital she was arrested for assaulting her uncle and damaging his car, even though she had been assaulted by her uncle. The complainant further alleges that only after his girlfriend's arrest he was allowed into his apartment.

A monitor was appointed to investigate this complaint.

CPRB No. 23-14/ OPS No. 2014 – 061

According to the complainant, on June 24, 2014, after moving from the passenger seat to the driver's seat of his vehicle, the complainant was honked and yelled at by an unmarked car. The individual in the car yelled "You see what the hell you are doing?" The complainant alleges that he yelled back and the vehicle sped off slightly then made a U-turn in a threatening manner. The complainant exited his vehicle in anticipation of a confrontation, and the officer in the unmarked car (with badge exposed) yelled "I got

your license plate so you will be hearing from me n*****.” The complainant alleges that the next day when he left his house there was a parking ticket on the windshield of his vehicle based on the incident occurring the day before.

A monitor was appointed to investigate this complaint.

CPRB No. 24-14/ OPS No. 2014 – 065

According to the complainant, on June 19, 2014, officers arrived to his apartment because of an ongoing incident with his housemate. The complainant and housemate have had officers at their apartment on multiple occasions previously for similar mental health incidents. The complainant alleges that his housemate has severe mental health issues which have necessitated a police response in the past along with specific mental treatment. On June 19, 2014, the complainant’s housemate needed the response typically given during a mental health emergency, yet when officers arrived they treated the incident like a domestic dispute. The complainant alleges that the officers did not listen to him when he attempted to explain the situation to the officers to which they responded with “work it out like adults.” The complainant alleges that he was not allowed to give these critical details to the officers who responded to the apartment. He felt that based on the officers initial response to the situation, he was not allowed to demonstrate the connection between his housemate’s behavior and her mental health condition. The complainant further alleges that if the officers were provided with sufficient facts they would have been able to respond effectively, yet they acted disinterested and in a manner that indicated they did not want to be there. As a result of this incident, the complainant’s housemate is currently in a psychiatric hospital.

A monitor was not appointed to investigate this complaint.

CPRB No. 25-14/ OPS No. 2014 – 066

According to the complainant, on June 24, 2014, the complainant went to an apartment to watch the children of a tenant in the building. The complainant alleges that when he arrived, the landlord of the building ran down the stairs yelling at him and putting his hands in the complainant’s face. At that point, when the complainant turned around to leave, the landlord kicked him down the stairs. The complainant alleges that once he was kicked down the stairs he got up to defend himself, and it was at that time that the landlord ran out of the building to his vehicle where his aunt was sitting and punched her in the face causing a fractured jaw and knocked out her teeth. The complainant alleges that the officers took statements from witnesses at the scene and then arrested him for defending himself and his girlfriend was arrested as well, with no female officers present. The complainant alleges that his mom was told by the officer that “If he didn’t have his gun and badge he will fight.” The complainant further alleges that his aunt was told that she could not press charges against the landlord and that there was nothing the officer could do because he was not at the scene when the incident occurred.

A monitor was appointed to investigate this complaint.

CPRB No. 26-14/ OPS No. 2014 – 068

According to the complainant, he was refused a renewal of his City of Albany Taxi license due to pending traffic tickets. The complainant alleges that the individual complained of expressed a “fantasy of him not having a license and having a taxi license.” The complainant further alleges that he was unable to resolve his traffic tickets in court because the conference between himself and the district attorney were interrupted.

A monitor was not appointed to investigate this complaint.

CPRB No. 27-14/ OPS No. 2014 – 076

According to the complainant, on June 24, 2014 at 3:46 p.m., the complainant was assaulted by an individual who was detained at the scene, whom she had never met before. The complainant alleges that she was removing clothes from a vehicle when this individual assaulted her. The complainant alleges that the officer placed the individual in handcuffs and in the back of a police car for approximately thirty (30) minutes before releasing him. The complainant alleges that the assault left her with three (3) knocked out teeth and five (5) loose teeth requiring surgeries. The complainant further alleges that the officers informed her that they could not press charges but that the incident was under further investigation. The complainant alleges that when she went to the station to report the incident, the officer was rude and refused to take a statement. The officer allegedly stated that “If he didn’t have his gun and his badge he would fight.” The complainant then went to the station on Western Avenue where officers were sent to her house to take a statement. When they arrived to her residence, they informed her that the arresting officers had to handle the situation.

This complainant is the aunt referred to in **CPRB No 25-14/ OPS No. 2014-066**

A monitor was not appointed to investigate this complaint.

CPRB No. 28-14/ OPS No. 2014 – 072

According to the complainant, on June 27, 2014 at around midnight, the complainant’s nephew called her to inform her that five (5) college kids had stolen his bike. The five kids were outside their home attempting to assault him with bats, knives, and a brick. The complainant alleges that as soon as she arrived a fight broke out between her nephew and one (1) individual, and then two (2) of the other individuals attempted to jump into the altercation. When the police arrived on the scene, the complainant attempted to explain the situation but was told that they would pepper spray her family if they did not leave. The complainant further alleges that when the assailants returned, the complainant was put in handcuffs, thrown to the ground, and pepper sprayed while she was trying to explain the situation to officers.

A monitor was appointed to investigate this complaint.

CPRB No. 29-14/ OPS No. 2014 – 073

According to the complainant, he called the police three (3) days in a row to report that his landlord was harassing him. Two (2) officers arrived to the garage that the

complainant rents. While the complainant was attempting to explain the situation to the officers, one officer stated "you piece of s**t, get the f*** out of the garage." You are a f*****g low life. You are an a**hole for not paying rent." The complainant alleges that upon repeated attempts to explain the situation the officer responded in a verbally abusive manner. The complainant further alleges that there were witnesses to the police officer's racist behavior. When the complainant told the officer that he was wrong and asked for the officer's badge number, the officer told him to "get the f*** out of his face." The complainant further alleges that the officer ran back into his car and sped off so quickly that his feet were almost run over.

A monitor was appointed to investigate this complaint.

CPRB No. 30-14/ OPS No. 2014 – 075

According to the complainant, an officer made threats to a group of children which included her son. The complainant alleges that the officer told the children that "If the street lights was off, he would beat their f*****g a**." The complainant states that the children were doing nothing but walking home from a gathering and they are good children. The complainant further alleges that her children are afraid to call the Albany Police Department because of how they are treated. The complainant claims that a third party was wrongfully charged with a crime and that African Americans in the city of Albany are receiving harsh treatment at the hands of officers.

A monitor was not appointed to investigate this complaint.

CPRB No. 31-14/ OPS No. 2014 – 044

According to the complainant, an officer is singling him out. The complainant alleges that he has been written five (5) tickets for open containers, yet only two (2) were his. The complainant further alleges that the officer is making sexual advances towards him and stating that he wants the complaint to perform sexual acts with him or the officer will continue to arrest him.

A monitor was not appointed to investigate this complaint.

CPRB No. 32-14/OPS No. OPS No. CC2014-074

According to the complainant, on June 26, 2014, at approximately 12:00 a.m., she was awoken by her daughter who was screaming for her saying that four (4) men had approached her grandson and tried to take his bicycle. The complainant was told by her grandson, that one (1) of the men snatched his bicycle seat as he was riding by in an attempt to take it. The complainant was also told by her grandson that when he snatched his bicycle away from the man, the man swung at him and he swung back, knocking the man out. The complainant alleges that she went outside to see what was going on and observed the police down the street. The complainant further alleges that she walked down the street to inquire about the bicycle and was told to shut up and go back down the block, which she did. The complainant alleges that when she arrived home, her daughter and grandson informed her that one of the other men swung at her daughter and her grandson came to her defense, knocking him out.

A monitor was appointed to investigate this complaint.

CPRB No. 33-14/OPS No. OPS No. CC2014-077

According to the complainant, on August 2, 2014, between eleven (11) and twelve (12) p.m., the complainant's grandson was leaving a friend's house when he was stopped by an Albany Police Officer. The grandson and other individuals were stopped and told to sit on the curb. They were told by the officer that they did not belong on that side of Albany. They were also allegedly told that "they weren't going to be s**t and they would be spending their lives in and out of jail." The officer asked the group for their addresses. The complainant's grandson was allegedly singled out for his, to which the officer stated that "He was from that crazy and disrespectful family." When the officer was asked why the group was stopped, he replied that "They were lucky they were stopped in a well-lit area." The complainant's grandson was then handcuffed and searched. The search allegedly included a grope of his groin area and the officer running his hand down the individual's buttocks.

The complainant's grandson was then placed in the back of the police car where he was asked to kick his shoes off. His shoes were then searched and thrown into the back of the car with the grandson. It is alleged that the individual was never informed of why he was arrested, and was never read his Miranda rights. The complainant was informed by one of the individuals who was initially stopped that her grandson was arrested. The complainant alleges that when she called the police department to find out her grandson's whereabouts she was told that he was issued an appearance ticket and released. The complainant was contacted by a third party telling her that her grandson was at the station and needed to be picked up. The complainant further alleges that the police report indicates that he grandson was obstructing traffic and yelling at passing vehicles which had to swerve to avoid him. The complainant feels that if the information on the police report were true then why the other individuals weren't arrested. The complainant alleges that her grandson is constantly arrested and harassed by members of the Albany Police Department

A monitor was appointed to investigate this complaint.

CPRB No. 34-14/OPS No. OPS No. CC2014-069

According to the complainant, on July 21, 2014 between seven (7) and eight (8) p.m., he was approached by a police officer who stated that he was trespassing two (2) doors down from where the complainant resides and asked for identification. The complainant alleges that prior to providing his ID he asked "Why do I have to produce ID, I reside in the area and I am not committing a crime, just sitting here." The complainant alleges that another officer arrived on the scene and immediately became aggressive. The first officer grabbed his arm and began to twist it while he pulled the wallet from the complainant's hand. At that point a third officer arrived on the scene and forced the complainant to the ground and steps without asking him to sit down. Once the officers had his ID and he was handcuffed, he was pushed by one officer and told to have a seat. The complainant further alleges that an officer became verbally abusive and called him names. When his rap sheet was reviewed, the officer became further verbally abusive. When the

complainant told officers that his mother is on the Albany Community Policing Advisory Committee, an officer disrespected her. The complainant was ticketed for trespassing and released from custody.

A monitor was appointed to investigate this complaint.

CPRB No. 35-14/ OPS No. (No Number Assigned Yet)

According to the complainant, on August 16, 2014, at approximately 5:00 p.m., a friend (who had a toy gun) and the complainant were in the friend's driveway. The complainant alleges that three police cars pulled up to the drive way, officers exited their vehicles with their hands on their holsters and yelling "drop the gun!" The complainant and his friend dropped the gun and put their hands up. The complainant further alleges that the officers approached them and handcuffed them both. The complainant alleges that he inquired repeatedly if he was under arrest and why was he being detained. He initially received no reply but was later told that he was being detained. The complainant asked why and the officer replied "Because you're an idiot." The complainant alleges that he was searched and everything except his multi-tool was dropped to the ground. All of the complainant's belongings were returned and put back in his pockets except his I.D., which was retrieved from the inner pocket of his wallet. The complainant's handcuffs were removed and he was allowed to sit. His ID was returned and he was informed by another officer that they were responding to a 9-1-1 call.

A monitor was not appointed to investigate this complaint.

Mickey Bradley stated that there may be some cases that were not assigned monitors that would be good for a monitor.

Akosua Yeboah stated that in the Board's By-Laws only the members of the subcommittee on monitors are called to decide on if a monitor is to be appointed to a case. Ms. Yeboah stated that there are certain conditions that a monitor must be assigned to a case.

Mr. Bradley stated that it is his understanding that the practice of reading the cases that were not appointed monitors was done so we could vote on cases that may have slipped past.

Chairman Smart stated that that is correct, and that any cases that a Board member believes was denied a monitor in error can bring that to the Board's attention at this point in the meetings. Mr. Bradley stated that he would like to have a monitor appointed to CPRB No. 30-14/OPS No. CC2014-075.

Akosua Yeboah re-read the case summary for CPRB No. 30-14/OPS No. CC2014-075 so the Board could make a decision on a motion to appoint a monitor. Ms. Yeboah stated that she wants a monitor appointed for two (2) reasons; the first (1st) being the allegations in the last line of the complaint and second (2nd) that this complaint involved the treatment of children.

Chairman Smart stated that children are not one of the classes that are automatically assigned a monitor. Ms. Yeboah responded that while she understands children do not automatically receive a monitor she would like one appointed in this complaint. Chairman Smart stated that he simply would like to remind the Board that the fact that there are children involved in this case is not an automatic criteria for a monitor.

Mr. Bradley stated that he would like a monitor appointed for the allegation alleging civil rights violations. Chairman Smart stated that the allegation sounded like a general statement and not a specified complaint.

Coordinator of the Board Sharmaine Moseley stated that the complainant who filed the complaint was the mother of one of the children in the group that was approached. Chairman Smart moved that the Board appoint a monitor in CPRB No. 30-14/OPS No. CC2014-075. Anthony Potenza seconded the motion. The motion carried unanimously.

Ms. Yeboah stated that she would like to assign monitor for CPRB No. 31-14/OPS No. 2014-044 because the allegations alleged unwanted sexual advances.

Akosua Yeboah moved to appoint a monitor to CPRB No. 31-14/OPS No. 2014-044. Anthony Potenza seconded the motion. Eugene Sarfoh opposed the motion. The motion failed to carry by a vote of 4-1.

2. Complaint(s) for Board Review

CPRB No. 13-13/OPS No. CC2013-037 (Presented by Reverend Edward Smart)

Chairman Edward Smart summarized the complaint. The complainant alleged that officers damaged his door knob, forced him into his apartment, made him feel terrorized and did not provide their names and shield numbers. Chairman Smart stated that the complainant alleged that the officers arrested him based on information provided by a tenant and used force to remove him from the police station.

Chairman Smart stated that he reviewed the following documents: Confidential Report; Symptoms of Fibromyalgia; Citizen Complainant Form; Citizen Grievance Report; Citizens Grievance Notification Report; Arrest Records - Criminal Trespassing; Five (5) IDC; Three (3) Orders to Report; Three (3) Disciplinary Advice of Right; State of NY - Arrest Complaint; Arrest Records; Safety Net Web – Booking and Arrest; CAPNET; Three (3) Detail Calls.

Chairman Smart stated that a monitor was not assigned to this complaint.¹

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

Chairman Smart reported that there are at least 7 allegations in this complaint.

¹ Due to a clerical error this case was reported on and treated as not having a monitor. A monitor was in fact assigned to review this case. Because of this error; the case will be placed back on the calendar and will be heard again along with the monitor's feedback.

Chairman Smart summarized the OPS finding for the first allegation of call handling 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 responding officer caused damage to the front door knob. Based upon the OPS investigation, the officers stated that no damage was caused by them and the complainant never mentioned or filed a report indicating the damage. A resident of the apartment was present during the incident and the officers did not damage the door knob.

Chairman Smart stated that he agreed with the OPS finding because the action of the officers was appropriate and witnesses agreed that no damage was done to the knob of the door. Chairman Smart mentioned that the complainant never stated the damages in his initial complaint and based on that he would agree with the OPS finding.

Chairman Edward Smart moved to concur with the OPS finding of ***not sustained*** for the call handling allegation. Mickey Bradley seconded the motion. The motion carried unanimously.

Chairman Smart summarized the OPS finding for the second allegation of call handling 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 officers forced him into his apartment without permission and they followed him inside. Based on the OPS investigation, the officers stated that they did not force the complainant into his apartment however it is plausible that the officers considered that a stair case was an inconvenient, unsafe and inappropriate location to engage a subject in an interview. The complainant's return to his apartment may have been construed as an implied invitation to a more suitable setting for a conversation. Once inside the apartment, the complainant's state of anxiety and expression of displeasure with the officer's presence in his home resulted in a brief interaction followed by the officer's immediate departure and return to service.

Chairman Smart stated that no evidence was given that the officers forced the complainant into his apartment. The officers were allowed to enter the apartment. Chairman Smart further stated that he agreed with the OPS finding of ***not sustained***.

Chairman Edward Smart moved to concur with the OPS finding of ***not sustained*** for the call handling allegation. Akosua Yeboah seconded the motion. The motion carried unanimously.

Chairman Smart summarized the OPS finding for the third allegation of conduct standards as ***unfounded***, where the review shows that the act or acts complained of did not occur or were misconstrued. The complainant alleged that during the encounter with the officers, he was only wearing a bath robe when he was approached by two (2) "rough scary guys" with guns inside his building. The complainant described his anxiety level as "through the roof" and he further expressed that he felt "terrorized." Based on the OPS investigation, it is reasonable given the totality of the circumstances that the complainant may have experienced feelings of terror, but it is not prudent to place fault on the responding officers due to the fact that the complainant suffers from health issues.

The complainant was uncooperative, loud, and continued to use profanity. There was no action on the complainant's behalf that indicated he was frightened, scared or was having a feeling of being terrorized by "rough scary guys."

Chairman Edward Smart moved to concur with the OPS finding of *unfounded* for the third conduct standards allegation. Mickey Bradley seconded the motion. The motion carried unanimously.

Chairman Smart summarized the OPS finding for the fourth allegation of conduct standards 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 he requested the officer's names and shield numbers. Based on the OPS investigation, the officers stated that they did not recall the complainant requesting their information.

Chairman Smart stated that no evidence was given to sustain the complainant's allegation. He further stated that he agreed with the OPS finding of *not sustained*.

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

Chairman Smart summarized the OPS finding for the fifth conduct standards allegation as *exonerated*, where the acts which prove the basis for the complaint occurred but the review shows that such actions were proper. The complainant alleged that he was arrested based upon information provided by his tenant. Based on the OPS investigation, the supervisor stated that the arrest was based upon the responding officer's investigation, physical evidence, and the signed complaint of the victim. The officers responded for a landlord/tenant trouble call and advised the complainant of the proper eviction process in order to have the tenant removed. A short time later the officer's responded again and determined the complainant intentionally entered the basement apartment without the proper grounds to do so.

Chairman Smart reported that the complainant entered the tenant's apartment without permission and due notice. The complainant used profane language in his description of the tenant and was instructed on the proper way to evict the tenant.

Chairman Edward Smart moved to concur with the OPS finding of *exonerated* for the fifth conduct standards allegation. Eugene Sarfoh seconded the motion. The motion carried unanimously.

Chairman Smart summarized the OPS finding for the sixth allegation of conduct standards as *exonerated*, where the acts which prove the basis for the complaint occurred, but the review shows that such actions were proper. The complainant alleged that an officer twisted his arm and threw him out of SSTA because he made racial slurs. Based on the OPS investigation, the booking room video showed that the complainant was directing racial slurs towards other prisoners. An officer attempted to guide the complainant out of booking and the complainant began to drag his feet and continued to use racial slurs and profanity. The officer placed one hand on the complainant's wrist and the other on his shoulder escorting him from the building.

Chairman Smart stated that the complainant used racial slurs, was not cooperative, and used antagonistic language to other prisoners while being escorted from the building.

Chairman Edward Smart moved to concur with the OPS finding of *exonerated* for the conduct standards allegation. Mickey Bradley seconded the motion. The motion carried unanimously.

CPRB No. 24-13/OPS No. CC2013-067 (Presented by Anthony Potenza)

Anthony Potenza reported that this complaint is alleged to have occurred on July 2 2013 and the CPRB received it on July 3, 2013. The complaint contains two (2) arrest authorities and procedures allegations and one (1) conduct standards allegation.

Mr. Potenza reported that monitor Tom Neilen was assigned to this case.

Mr. Potenza summarized the complaint. The complainant alleged that he was followed for several blocks, removed from his vehicle, handcuffed, and his vehicle was searched. The complainant alleged that this matter made him feel humiliated.

Mr. Potenza stated that he reviewed the following documents: Citizens Complaint Form; Monitor Report; APD Civilian Complaint Report; APD Confidential Report; 3 IDC's; Call Details; Officer Safety Report; Uniform Traffic Ticket for Speed not Reasonable and Prudent; Caps Net; Documentation demonstrating that the officer was trained to estimate speed or that the officer's experience in the department would provide ability to estimate speed; NY's VTL Regarding Speeding; two (2) letters from the County Legislature to Mayor Jennings Regarding this Investigation; letter to Parole Board Chairwoman from the Complainant's Father; and a letter to the Parole Board Regional Director. Mr. Potenza stated that neither of these last two letters addresses this case but they were included in the file and he reviewed them.

Mr. Potenza summarized the events as summarized in the call ticket, arrest reports and IDC's. The complainant was stopped on the corner of North Hawk Street and Clinton Avenue for speeding. The complainant was asked to step out of the vehicle. The complainant was handcuffed and the vehicle search. Based on the complaint, the complainant alleged that he felt that he was being harassed and profiled for no reason. Based on the OPS investigation, the complainant's vehicle was searched due to officer safety because the complainant was acting aggressive, combative and was observed reaching around driver seat. While the officer checked the complainant's license to check if it was valid they discovered that the complainant was on parole. Based on these observations, the officer checked the driver's seat area for weapons. The officer conducted additional investigations because the complainant threatened officers during the stop, the complainant stated to the officers "the next time one of you [expletives] stops me you will be sorry."

Mr. Potenza reported the OPS finding for the first arrest authority and procedures allegation was *exonerated*, where the acts which proved the basis for the complaint occurred but the review shows that such acts were proper.

Mr. Potenza stated that the complainant was not present at the meeting.

Mr. Potenza acknowledged that monitor Tom Neilen was assigned to this case and was present.

Mr. Neilen stated that he agreed with everything Mr. Potenza had reported so far on the case.

Anthony Potenza moved to concur with the OPS finding of *exonerated* for the arrest authority and procedures allegation. Akosua Yeboah seconded the motion. The motion carried unanimously.

Mr. Potenza summarized the OPS finding for the second arrest authority and procedures allegation as *exonerated* where the acts which proved the basis for the complaint occurred, but the review shows that such acts were proper. The complainant alleged that he was stopped and detained for 20 minutes before being told why he was being detained. Based on the OPS investigation, the officers observed the complainant traveling on Clinton Avenue at a high rate of speed. The complainant was stopped and issued a traffic ticket for speed not reasonably prudent. Based on the officer's training and experience he was able to estimate that the complainant was driving in excess of the posted speed limit. Mr. Potenza reported that the investigation never addressed why the complainant was stopped for twenty (20) minutes before being told the nature of the stop. Mr. Potenza stated that being asked to wait twenty (20) minutes because of the complainant's actions of being difficult and rude was not unreasonable.

Chairman Smart asked how an officer could know the speed of a vehicle because it is his understanding that there are no radar guns being used in the city. Mr. Potenza replied that any officer can be trained on how to track speed of vehicle. This officer was trained and according to the law a properly trained officer can attest to the fact that an individual was speeding or not.

Detective Hendrick stated that as part of the standard radar device training an officer must learn how to visibly estimate the speed of a vehicle as well that also includes pacing a vehicle using the vehicle that the officer is driving.

Mr. Potenza stated that the methods that Detective Hendrick referred to were how the officers determined the speed of the complainant's vehicle.

Commander Hicks stated that the complainant was not even given a speeding ticket, but was given a ticket for speed not reasonably prudent which is that his speed was not appropriate for the city at the time he was ticketed.

Chairman Smart stated that he was questioning how the number of thirty (30) miles per hour was reached.

Mr. Potenza stated that the officer determined that the complainant was traveling in excess of the posted thirty (30) mile an hour speed limit.

Chairman Smart asked Detective Hendrick that an officer with proper training can make that estimate, so if we looked back and checked this officer would have had that training.

Detective Hendrick replied in the affirmative.

Chairman Smart stated that he is just curious because he was unaware of people receiving speeding tickets in the city of Albany. Commander Hicks stated that people do receive speeding tickets in the city.

Anthony Potenza moved to concur with the OPS finding of *exonerated* for the second arrest authority and procedures allegation. Eugene Sarfoh seconded the motion. The motion carried unanimously.

Mr. Potenza summarized the OPS finding for the conduct standards allegation as *unfounded* where the act or acts complained of did not occur. The complainant alleged that the incident made him felt humiliated. Based on the OPS investigation, the officers stated that the complainant was treated respectfully despite his aggression and verbal threats towards themselves and law enforcement. Patrol cars were stopped, with lights flashing close to the complaints vehicle. With the lights flashing, it would have been difficult to see the complainant. Mr. Potenza stated that he had reviewed the DVR. He could not see the complainant, because only one DVR unit was operating. Based on the OPS investigation, if the complainant had not been aggressive he would not have been removed from vehicle, handcuffed, and the vehicle searched. This would have avoided any feelings of embarrassment or humiliation.

Anthony Potenza moved to concur with the OPS finding of *unfounded* for the conduct standards allegation. Chairman Edward Smart seconded the motion. The motion carried unanimously.

CPRB No. 33-13/OPS No. CC2013-091 (Presented by Akosua Yeboah)

Akosua Yeboah stated that this complaint contains allegations of call handling and arrest authority and procedures.

Ms. Yeboah stated that she reviewed the following documents: Confidential Reports; Call Details; Citizen Complaint Form; and a Uniform Traffic Ticket Report.

Ms. Yeboah summarized the complaint. The incident took place on August 12, 2013. The complainant was stopped and ticketed by the APD for not wearing a seatbelt. During the incident there were multiple officers involved, including NY state troopers as well as members of the APD. The complainant alleged that he was concerned with the number of officers arriving on the scene, so he attempted to make a phone call to a relative. He was told to get off the phone by one of the officers. A member of the APD mockingly asked him how his campaign for Mayor was going.

Based on the OPS investigation, it was shown that the officers discovered that the complainant was on parole and that one of the officers on the scene was involved in the complainant's trial resulting in his parole status. It was the complainant's term of parole that precipitated a call to parole officers which further detained the complainant. He was then removed from his vehicle and handcuffed by the parole officers. The parole officers then conducted a search of the complainant's vehicle.

Ms. Yeboah stated that during the incident, an APD officer turned off his body microphone for approximately eight (8) minutes while having a discussion with another officer. That same officer again turned off his microphone for approximately two (2) minutes while having a conversation with the complainant. The complainant was ultimately issued a ticket for driving without his seatbelt.

Ms. Yeboah stated that it is her conclusion, based on her review of the file, was that there were multiple officers and multiple law enforcement entities on the scene which may have caused the complainant to feel confused and frightened. It is understandable why he has chosen to file a complaint. Ms. Yeboah stated that in her view, the OPS was professional and thorough in its investigation and parsing the facts of this case. Ms. Yeboah further stated that she concurred with their findings and recommendations for each of the allegations.

Ms. Yeboah stated that she did make an additional finding that was not a part of the initial complaint but it was noticed during her review of the case. Ms. Yeboah stated that she took no issue with the officer disabling his microphone to have a private discussion with another officer, but that she does have serious concerns regarding that officer turning off his microphone while in conversation with the complainant who is a civilian and member of the public at large. Ms. Yeboah further stated that it appeared to her that the officer involved knowingly and intentionally disabled his microphone for a specific period of time. Ms. Yeboah stated that unfortunately, we have no way of knowing what transpired in conversation during that time and it may well have provided material evidence in this case. Ms. Yeboah further stated that while serving on the CPRB, she has observed that officers are trained and directed to keep their microphones on at all times during this type of stop; and that she has also observed that the OPS is conscientious and diligent in making sure that this rule is followed by members of the APD. With this in mind, she trust and expect that the OPS took the appropriate disciplinary actions regarding the behavior of the subject officer.

Ms. Yeboah reported that on the allegation of call handling, she concurred with the finding of the OPS that the investigation be closed as *exonerated*, where the actions resulting in the complaint occurred but were proper. Ms. Yeboah explained that given the discovery by the officers that the complainant was on parole at the time, they took measures in compliance with policies and procedures in place.

Ms. Yeboah asked if the complainant was present. It was that he was present but that he left the meeting early.

Chairman Smart stated that in the City of Albany, officers are stopping people for not having their seatbelts on. Chairman Smart further stated that it seems like a waste of time, training, and experience of a police officer when there are people are being killed and shot on the streets. Chairman Smart stated that we are paying officers fifty (50) or sixty (60) thousand dollars a year and they are stopping people for not wearing a seatbelt. There are officers who need to arrest themselves when they don't put their seatbelt on. Chairman Smart reiterated that he is upset with the officer for stopping individuals for seatbelt violations.

Ms. Yeboah stated the other agencies were brought in because the complainant was discovered to be on parole.

Chairman Smart stated that the complainant was not speeding that this was simply for a seatbelt.

Ms. Yeboah stated that it is her understanding that for any violation the parole officer is to be brought in.

Commander Hicks stated that in response to Chairman Smart's points he would respectfully disagree. While there are a few people being shot there are people who are injured during automobile accidents when they are not wearing seatbelts. Commander Hicks stated that it is not the position of the APD to selective enforcing of law. There is a vehicle and traffic law that makes it mandatory for people to wear a seatbelt and it must be enforced for safety reasons.

Chairman Smart stated that while he agrees with the Commander's position, why the officer didn't just give the complainant a warning.

Commander Hicks replied that the officer could have but the officer chose not to give the driver a warning.

Chairman Smart stated that by giving the ticket he would not have been awarded any great citizens awards, and is not a commendable officer. While we should not arbitrarily chose laws, we can increase the accountability and interaction between officers and citizens.

Mickey Bradley asked that while he understands that turning off the microphone while speaking to the complainant is against the SOP, why shouldn't an officer always record even when he is speaking to another officer.

Ms. Yeboah stated that based on her understanding, the policy allows an officer to turn off the microphone if they are talking to their spouse or during a private conversation. While this was in the context of a traffic stop it was with another officer, yet the concern is when he turned off the microphone during his conversation with the complainant.

Mr. Bradley stated that it is his belief that during a stop there should be no reason for the officers to turn off their microphone.

Ms. Yeboah stated that she would have no objection to taking that up as her position as well.

Commander Hicks stated that Ms. Yeboah was correct in her statement that the microphone can be turned off for discussion with other officers, or the officer's spouse. Commander Hicks further stated that the microphone should have been on during the officer's discussion with the complainant.

Ms. Yeboah stated that it is her belief that there was training on how to use the microphone and that there was a willful violation of that policy.

Akosua Yeboah moved to concur with the OPS finding of *exonerated* for the call handling allegation. Mickey Bradly seconded the motion. Chairman Edward Smart voted in the negative. He stated that the matter was handled improperly and did nothing to help the community. The motion failed to carry by a vote of four (4) to one (1).

Ms. Yeboah summarized the OPS finding for the arrest authority and procedures allegation as *no finding*, where the investigation revealed that another agency was responsible and the complaint or complainant has been referred to that agency. Ms. Yeboah stated that the investigation revealed that the officers who arrived on the scene were with the Division of Parole. These officers searched the vehicle and handcuffed the complainant.

Chairman Smart stated that this means that the Board does not have jurisdiction.

Ms. Yeboah explained that the complaint was filed against the APD so there would be a finding of *no finding* when the APD is not a part of the case.

Akosua Yeboah moved to concur with the OPS finding of *no finding* for the arrest authorities and procedures allegation. Mickey Bradly seconded the motion. The motion carried unanimously.

CPRB No. 52-13/OPS No. CC2013-132 (Presented by Mickey Bradley)

Mickey Bradley summarized the complaint. The complainant alleged that she was stopped at about 9:30 p.m. on October 31, 2013. The officer asked for her license and registration and engaged in conversation with her and her husband. The complainant's husband, who was in the passenger side of the vehicle, asked multiple times why they were stopped and why the officer requested his license. The complainant alleged that the officer was "juvenile and unprofessional" in the exchange with her husband. The complainant further alleged that the officer threatened to issue her more tickets than were warranted because of the interaction with her husband. As a result of the interaction, she felt unsafe.

Mr. Bradley stated that the DVR video was available and he was able to review that video. Mr. Bradley reported that the DVR shows a vehicle being stopped which clearly has a taillight out. In pulling over, the driver turns the wrong way down a one way street. Based on the OPS investigation, it was revealed that the incident occurred at 9:30 p.m. on Halloween night and the officer involved was on a DWI sweep. As the officer approached the car he may have reasonably suspected that the driver was intoxicated. Mr. Bradley stated that he found the officers demeanor to be calm and polite during most of the interaction with the complainant and her husband. The complainant stated that the license she was handing the officer was expired and the officer responded that it was alright as long as the license was valid in the system. At this point, the complainant's husband asked why they were stopped. The officer replied that he did not need to give the husband that information and will tell the driver in a moment. The husband asked again and the officer repeated his previous response. The officer then asks the husband for some identification because he has right to know identity of the people of the vehicle. Mr. Bradley stated the law in this regard would have been more accurately described as

the officer having the right to ask for identification but there is no obligation for the passenger to provide the ID. At this point, the officer told the husband to relax, and if he did not he would issue a slew of tickets. After returning to the vehicle, the officer ran both licenses, returned the ID's, and explained that they are free to go and that he will not issue any tickets. The officer then assisted the complainant in backing into the proper lane of traffic. He stopped oncoming vehicles, and instructed her when to back up to allow her to do so safely.

Mr. Bradley stated that he has a few notes pertaining to the investigation. First, the husband was not interviewed as a part of this investigation. Mr. Bradley stated that while he understood that the DVR footage contained all the information needed in this complaint he believed that hearing directly from a party to the incident would have been good. It could provide information and allow citizens to feel that they are a part of the process and are being assisted. Mr. Bradley further explained that in this case, the lack of an interview with the husband did nothing to hinder the investigation, but it could have been helpful for both the investigation and community relations purposes.

Mr. Bradley stated that there was a potential standing issue here because most of this complaint concerned the officer's interaction with the husband and not the complainant. Mr. Bradley explained that the conversation was essentially triangular and the complainant would have received any tickets issued. Based on those facts, it was his opinion that there was proper standing here.

Mr. Bradley stated that in his opinion the officer was polite and professional throughout the stop. The officer explained the procedure and was acceptable for the majority of the stop until the third request was made into the nature of the stop when he became frustrated. While demeanor is a subjective assessment, it is his opinion that the officer's actions were almost entirely well within the standards of APD. The officer's comments in a raised voice about issuing a slew of tickets had the aura of a threat and he could understand why the complainant perceived it that way. Mr. Bradley stated that the complainant's assertion that the officer threatened to give her more tickets that were warranted was not entirely truthful, but he could see that she may have perceived it that way. Mr. Bradley stated that just based on his assessment of the situation, the officer would have been justified in writing three (3) tickets, for the tail light, for traveling down a one way street the wrong way, and for the expired license. Mr. Bradley mentioned that the officer stating that he could write multiple tickets was accurate and within his discretion. However, it should not be contingent on whether or not a person is asking him reasonable questions. Mr. Bradley stated that for the conduct standards allegation the OPS recommended a finding of *exonerated* where the acts which provide the basis for the complaint occurred, but the review shows that such acts were proper. Mr. Bradley further stated that he agreed with the OPS finding because this officer was mostly fine and for the most part was exemplary. However, it is his belief that this officer should not use the issuance of tickets as a punishment for asking questions. It is very close to threatening behavior.

Mickey Bradley moved to concur with the OPS finding of *exonerated* for the conduct standards allegation. Chairman Edward Smart seconded the motion. The motion carried unanimously.

Mr. Bradley requested for the OPS to both commend the officer on a good job but to also warn him that his use of language in that he would issue tickets for asking legitimate questions would be dangerously close to being improper. Chairman Smart stated he seconded the motion.

Mr. Bradley stated that this is a great example of how the DVR is a good protection of both the citizen and the officer.

Ms. Yeboah asked Mr. Bradley if he would feel that the statement about the tickets was actually a threat or would he consider it a warning.

Mr. Bradley stated that while it was an accurate depiction of what the officer could do, because of it being framed as almost an “if than” scenario it seemed more like a threat. However if he believed it was an actual threat he would have disagreed with the OPS finding.

CPRB No. 6-14/OPS No. CC2014-025 (Presented by Eugene Sarfoh)

Eugene Sarfoh summarized the complaint. The complainant alleged that on February 18, 2014 her vehicle was stopped. The officers did not immediately pull her over, but they followed her for a distance before engaging their emergency lights. Four (4) officers surrounded her vehicle using flashlights to view inside the vehicle and her purse and glove box as she retrieved items from her glove box and purse. The complainant further alleged that she did not commit any traffic violation and that the officer was lying.

Mr. Sarfoh stated that he reviewed the following documents: Confidential Report; Copy of the US Supreme Court Decision of Texas v. Brown; Citizens Complaint Form; Grievance Notification Form; UTT and Supporting Deposition; four (4) IDC's; and Call Ticket.

Mr. Sarfoh stated that there was some DVR material which was reviewed by the OPS.

Mr. Sarfoh summarized the underlying facts of the complaint. The complainant dropped off a friend at the Motel Six and was on her way home. The complainant pulled out of the parking lot and observed a vehicle behind her without its lights on and after some time both its lights and emergency lights were activated. During the stop, a total of four (4) officers approach her vehicle. Not all of the officers were directly engaged in discussion with the complainant. As a result of the stop, the complainant was ticketed for a section 1173 of the traffic and traffic law which is not failure to stop at a stop sign as one officer had indicated to the complainant, but is for a failure to stop when entering a roadway or sidewalk prior to the street. Mr. Sarfoh explained that the section reads that “The driver of a vehicle emerging from an alley, driveway, private road or building shall stop such vehicle immediately prior to driving onto a sidewalk extending across any alleyway, building entrance, road or driveway, or in the event there is no sidewalk, shall stop at the point nearest the roadway to be entered where the driver has a view of approaching traffic thereon.” Mr. Sarfoh stated that it is alleged that the complainant did not stop and look before entering the sidewalk and subsequent roadway. Mr. Sarfoh stated that in the complainant's interaction with the officers there was some confusion because the officer initially referenced the fact that the complainant did not stop at a stop

sign which the complainant refuted, but this was clarified to explain why the complainant was actually stopped. Based on the OPS investigation, that motel has made complaints about increased drug traffic in the area so the APD had increased their patrols of that area. Mr. Sarfoh stated that on the evening in question, the officer who approached the complainant was an officer in training during his probationary period.

Mr. Sarfoh further stated that the complainant was stopped for a violation of the Vehicle and Traffic Law, but in reference to an earlier reviewed complaint she was upset with what she viewed as a trivial offence.

Mr. Sarfoh stated that, in his view, while the officers in question did not do anything inappropriate, it was unfortunate that this individual was in an area that was subject to increased surveillance by officers. The complainant was subjected to a ticket in what could be considered a training exercise. She was legitimately ticketed but it probably would not have been issued in different circumstances.

Mr. Sarfoh asked if the complainant was present. It was noted that the complainant was present.

The complainant stated that the incident occurred at approximately eleven (11) p.m. The officers running up military style with two (2) officers on each side toward her car made her feel threatened by the incident. The complainant stated that she felt that the officer was being trained and she was simply being used for training. She went to trial for the ticket and it was dismissed. The complainant stated that cars receive fines for not having their headlights on, but these officers did not have lights on and she felt threatened. Because she was followed by vehicles without their lights on she decided to call a friend with a hands-free device to call the police if necessary.

The complainant stated that around that time there were murders in the area, and she wanted to know why four (4) officers were utilized to stop her for a Vehicle and Traffic infraction but these officers were not looking for the murderer. The complainant stated that the senior officer told her that he would give her the officer's name. After a back and forth discussion he gave what she believed to be a fake name. The complainant stated that she has had a previous interaction with the police when she had been followed by an individual. At that time, the APD helped her take care of some errands and it helped her feel like she mattered as a citizen. The complainant stated that after this incident she felt that she was worthless in the eyes of the officers. The complainant also wanted to know what the disciplinary action for the officers was.

Mr. Sarfoh explained that the incident was reviewed by the OPS and the Board reviews their investigation. The Board does not know the status of any disciplinary action of the officers or if the item was placed in the officer's personnel file. Mr. Sarfoh further stated that the Board will explain what the OPS investigation finding was, and then the Board will discuss if they agree with the finding or if it warrants a further investigation.

Mr. Sarfoh stated that for the issue of the car with no lights on - officers are allowed to do things during a criminal investigation that we as civilians are not legally allowed to do.

The complainant stated that she did not believe that a traffic stop warranted the no headlight approach.

Mr. Sarfoh stated that on the one hand the complainant had been legally ticketed, but on the other hand if this individual was pulled over and they were committing additional criminal activity they would be arrested and the officers involved would be lauded for good police work.

The complainant replied that she requested a ticket only because she knew that people who use the motel's parking lot are often stopped and harassed by officers and then do not receive tickets. The complainant further stated that she has had recent issues with the police. She knows of a friend who was approached by six (6) officers while they waited at the bus stop. The complainant stated that her son was stopped and asked for ID. It seems that the officers are going after young people of color, and they are not complaining about their treatment. The complainant further stated that in her opinion there are officers who should not be on the street. There may be retaliation from the community because of their actions.

Mr. Sarfoh asked if the stops in Motel Six are ongoing.

The complainant stated that people working in that area need to use the Motel Six parking lot because there is no parking at the next door place of business.

Mr. Sarfoh states that this area is being observed for increased drug activity as it has been reported by the Motel itself. Mr. Sarfoh stated that the reports of increased crime would shed light on both the increased police presence and the police response to a traffic stop. Mr. Sarfoh further stated that while he understood her frustration, the officers have reasons to be there. It is unfortunate that they did not use discretion in this particular instance.

Akosua Yeboah stated that she is concerned with the officers maintaining the letter of the law because they are using it to the fullest where it is causing tensions in the community.

Mr. Sarfoh stated that good police work relies on using the type of conduct on the part of the officer in that it will lead to arrests in cases where there are other items and issues at play.

There was a brief discussion about the officer's ability and the legality of them using a flashlight to see into the vehicle.

Mr. Sarfoh stated that the officers are using the tools and techniques that are available to them, and when used in certain circumstances are appropriate, but when used during instances like this one causes frustration.

There was a discussion about whether the officer would have issued the complainant a ticket if she had not specifically requested one so she could leave.

Chairman Smart thanked the complainant for being here and telling her side of the story. Chairman Smart stated that we have had issues in this city of women followed at night by

vehicles with headlights off. He is concerned because this practice sounds dangerous and could cause major issues like causing panic among residents in high crime areas.

Mr. Sarfoh summarized the OPS finding for the conduct standards allegation as *exonerated*, where the acts which provide the basis for the complaint occurred, but the review shows that such acts were proper. The complainant alleged that the officers did not immediately pull the complainant over but instead followed her for a distance before engaging their emergency lights which was described as a “deceptive maneuver.” Based on the OPS investigation, the officer ran the complainant’s license plate through the DMV database before the stop in order to receive any pertinent information about the individual. Mr. Sarfoh stated that in his opinion it is reasonable and also expected for the officer to take reasonable steps to protect their safety and the safety of others including pedestrians and other vehicles on the road when conducting a traffic stop. Following the complainant for a short distance is not unreasonable under the circumstances.

Eugene Sarfoh moved to concur with the OPS finding of *exonerated* on the conduct standards allegation. Mickey Bradley seconded the motion. Akosua Yeboah, Edward Smart, and Anthony Potenza voted in the negative. The motion failed to carry two (2) to three (3).

Ms. Yeboah stated that she voted to oppose the motion because while legally the OPS can make a finding of *exonerated*, she disagreed with the spirit of it.

Chairman Smart stated that if his wife was followed by a car without its lights on in that area he would be concerned for her safety.

Anthony Potenza stated that if that specific area is a high crime area and the officers thought they needed heightened presence after the stop they should have discussed some of that reasoning with the complainant.

Mr. Potenza asked if it is permissible to turn all lights off in preparation to make a simple traffic stop.

Commander Hicks replied in the affirmative. He stated that is permissible and can be done in the officer’s discretion within reason. It would not be acceptable for an officer to drive across the city with his lights off, but one (1) or two (2) blocks is permissible.

Mr. Sarfoh summarized the OPS finding for the second conduct standards allegation as *exonerated*, where the acts which provide the basis for the complaint occurred, but the review shows that such acts were proper. The complainant alleged that four (4) officers surrounded her vehicle, looked inside it and used a flashlight to observe her while she retrieved items from her purse and glove box. Mr. Sarfoh reported that it is common practice for the APD to assign multiple units to traffic stops. The initial stop was valid and shining flashlights into the vehicle did not violate any of the complainant’s rights.

Eugene Sarfoh moved to concur with OPS finding of *exonerated* on the second conduct standards allegation. Mickey Bradley seconded the motion. Akosua Yeboah and Chairman Edward Smart voted in the negative. The motion failed to carry by a vote of three (3) to two (2).

Akosua Yeboah stated again she would disagree for the reason she stated previously. Chairman Smart stated that he concurred with Ms. Yeboah's reasoning in that dissent.

Mr. Sarfoh summarized the OPS finding for the third conduct standards allegation as *unfounded*, where the review shows that the act or acts complained of did not occur or were misconstrued. The complainant alleged that the officers lied about the event and that the complainant did not commit a traffic violation. Based on the OPS investigation, there was no DVR footage of the incident. The DVR captures footage from thirty (30) seconds before the emergency lights are activated but in this case the lights were not used until the complainant's license was run through the system.

Eugene Sarfoh moved to concur with OPS finding of *unfounded* on the third conduct standards allegation. Mickey Bradley seconded the motion. The motion carried unanimously.

Mr. Sarfoh stated that this case is still open because there are some allegations that the Board could not come to a consensus on. Mr. Sarfoh stated that because of this the case will have to be placed on the calendar for a later date.

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

The following Board members were appointed to the Committee on Complaint review for October 2014: Anthony Potenza, Eugene Sarfoh, Edward Smart, and Akosua Yeboah.

*C. Approval of 2014 First and Second Quarterly Reports²
Approval of 2012 Annual Report*

Chairman Edward Smart moved for the approval of the 2014 First and Second quarterly report and the 2012 Annual Report. Akosua Yeboah seconded the motion. The motion failed for lack of quorum.

D. Committee Task Force Reports

By-Laws and Rules

Chairman Edward Smart stated that Committee Chair David Rozen was not present to give a report.

Community Outreach

Committee Chair Akosua Yeboah stated that due to a busy summer she has not had an opportunity to complete the updated brochures.

Mediation

Committee Chair Mickey Bradley stated that all mediators have completed the Citizens' Police Academy and while the original individual who was chosen to perform the

² This portion of the agenda was held without a quorum and as such must be voted on again with a quorum.

mediator training is no longer available a suitable replacement is being sought and they hope to do training in October.

Sharmaine Mosley stated that the Common Council has approved the mediators, but the GLC has not heard from the Mayor's office yet regarding its approval.

Police Department Liaison-Policy Review/ Recommendations

Committee Chair Anthony Potenza reported that he had nothing new to report because Chief Krokoff was not available on the date the committee had scheduled with him.

Public Official Liaison

Committee Chairman Edward Smart reported that he has been in touch with the Common Council and has met with them about the mediation. Chairman Smart reported that the CPRB has been listed by NACOLE as being one of the few if not the only volunteer citizens police review board with a mediation program.

Task Force on Monitors

Chairman Edward Smart stated that Task Force Chair Eugene Sarfoh was not present to give his report.

E. Report from the Government Law Center

Government Law Center (GLC) Coordinator for the CPRB Sharmaine Moseley gave her report.

Complaint Inventory as of Date of Meeting

It was reported that as of today, there are currently fifty-one (51) active complaints before the Board for review. Of those fifty-one (51) active complaints, three (3) were reviewed and closed by the Board at tonight's meeting. This leaves the Board with forty-eight (48) active complaints. There are nine (9) cases ready for review at the Board's next meeting in September.

It was reported that six hundred and eleven (611) complaints have been closed. The total number of complaints that remain suspended from review is nine (9). However, the GLC is still waiting for a report from the Board's counsel regarding two (2) complaints which may be suspended as well. The total number of complaints filed to date is six hundred and sixty-eight (668).

It was further reported that since the Board's May 8th meeting, the GLC received ten (10) grievance forms, bringing the total number of forms received to five hundred and forty-six (546). In response to the GLC's outreach to all individuals, the GLC has received one hundred and fifty-one (151) CPRB complaint forms, which is 28%.

Board Member Resignations/Re-appointments

It was reported that in October, there will be a Common Council vacancy created by member Potenza's expired term. Also, members Bradley and Sarfoh are up for reappointments next month.

It was further reported that earlier this week, the Mayor's office notified the GLC that they appointed John Heritage to fill the vacancy created by William McCarthy. The GLC is awaiting his resume and appointment letter before a time is scheduled for his orientation.

NACOLE

It was reported that Chairman Smart and Ms. Moseley will be traveling to Kansas City to attend this year's NACOLE Conference on September 14-18. They will depart Albany on Saturday and returning to Albany next Friday. It was further reported that originally, three (3) members planned on attending. However, that number has decreased to one (1) due to unforeseen family and work obligations.

Reports/Minutes

It was reported that the GLC has caught up with the drafting of meeting minutes and reports. The 2013 annual report is undergoing a final review and should be ready by the Board's next meeting for approval.

Upcoming Meetings

It was reported that earlier in the week, the GLC sent an email to the Board scheduling a meeting to discuss setting benchmarking goals for the CPRB on September 24th at 8:30 a.m.

It was further reported that the next Board meeting is scheduled for Thursday, October 9.

F. Report from the Office of Professional Standards

OPS Detective Kathy Hendricks and Commander Hicks were present. Commander Hicks reported that he will be giving a presentation next Tuesday about Use of Force Science. The meeting will be presented to members of ACPAC.

G. Report from the Chair

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

Chairman Smart stated that he wanted to commend Commander Hicks for his hard work and additionally to thank Detective Hendrick for the work she has done.

V. Public Comment

Chairman Edward Smart opened the floor for public comment.

The citizen stated that it is her first time at a CPRB meeting. She was interested to observe the type of work that they performed. She stated that Motel Six is located in a high crime area. Her son was pulled over and his car door was dented because they refused to open the car door as the officers had guns drawn during the stop. In listening to what was reported on tonight, she believes that there is a pattern of pulling people over in areas for being black. The citizen stated that each of these individuals were scared, degraded, and felt humiliated based on being pulled over for driving in an area. The citizen stated that she wants to be treated as a human being. She wants to be treated with respect and dignity until there is reason to treat her otherwise.

VI. Adjournment

Chairman Edward Smart adjourned the meeting at 7:55 p.m.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Akosua Yeboah', written over the printed name.

Akosua Yeboah
Secretary