## City of Albany

# DRAFT

### Fourth Quarterly Report August 1, 2016 - October 31, 2016

Submitted by: The Government Law Center of Albany Law School on behalf of the City of Albany Citizens' Police Review Board



**FIZENS' POLICE REVIEW BOARI** 

Fourth Quarterly Report of the City of Albany Citizens' Police Review Board

August 1, 2016 - October 31, 2016

**Submitted to:** The Mayor of the City of Albany The Common Council of the City of Albany

The Police Chief of the City of Albany

#### BACKGROUND

Section 42-340 of Chapter 42, Part 33 of the Albany City Code requires the Government Law Center of Albany Law School to file, on behalf of the Albany Citizens' Police Review Board (CPRB), quarterly reports containing "statistics and summaries of citizen complaints, including a comparison of the CPRB's findings with the final determinations of the [Police] Department." This is the Fourth Quarterly Report so submitted in the year 2016.

#### DEFINITIONS

For purposes of this Report, the following words and phrases shall have the meaning described in this Report:

APD - City of Albany Police Department

COMPLAINT - A written statement concerning police conduct which is either submitted to the Citizens' Police Review Board for filing with the Albany Police Department or filed directly with the Albany Police Department

CPRB or BOARD - Citizens' Police Review Board

GOVERNMENT LAW CENTER - The Government Law Center of Albany Law School

GRIEVANCE FORM - An APD form used to gather contact information from the complainant and forwarded to the Government Law Center for CPRB outreach purposes

MEDIATION - A structured dispute resolution process in which a neutral third party assists the disputants to reach a negotiated settlement of their differences

OFFICER - Any sworn police officer of the City of Albany Police Department affected by a citizen complaint

OFFICE OF PROFESSIONAL STANDARDS (OPS) - Professional Standards Unit of the City of Albany Police Department

#### INTRODUCTION

The Government Law Center of Albany Law School was retained by the City of Albany to provide a number of services to the Board, the City, and the community. Many of these services are discussed, as appropriate, below.

#### **ORGANIZATION OF THE BOARD**

The following members constituted the Board during the fourth quarter of 2016:

Mickey Bradley	Zach Garafalo	Maritza Martinez
Larry Becker, Esq.	Charles Goodbee, Sr.	Ivy Morris
Reverend Victor L. Collier	Michael A. Grady	Kerry Mulligan

During the fourth quarter, the Board's elected officers were:

Chair	Mickey Bradley
Vice-Chair	Ivy Morris
Secretary	Michael A. Grady

Vacancies and Re-Appointments

During the fourth quarter of 2016, there were two Common Council vacancies resulting from Board member Kerry Mulligan's resignation on August 1, 2016, and Board member Maritza Martinez's resignation on August 25, 2016.

#### **COMPLAINT REVIEW**

Pursuant to Section II, Subsection I of the Board's Operating Procedures, each of the nine (9) appointed members of the Committee on Complaint Review, in addition to the Chair of the Committee, will be responsible for the presentation of a particular complaint to the Board at its monthly meetings as assigned by the Chair of the Committee. Twelve (12) complaints were presented and reviewed in the fourth quarter of 2016.

The following Board members were appointed to serve on the Committee on Complaint Review:

September 2016	Larry Becker, Mickey Bradley, Zach Garafalo, Charles Goodbee, Sr., and Ivy Morris
October 2016	Larry Becker, Reverend Victor Collier, Zach Garafalo, Charles Goodbee, Sr., and Ivy Morris

#### **COMPLAINT SUMMARIES AND STATISTICS**

Section 42-340C of Chapter 42, Part 33 of the Albany City Code charges the Board with providing "statistics and summaries of citizen complaints, including a comparison of [its] findings with the final determinations of the [Police] Department."

During the fourth quarter of 2016, the Board received three (3) new complaints in addition to its twenty-eight (28) active complaints and five (5) suspended complaints. Monitors were appointed to investigate one (1) of the three (3) new complaints. Of the twenty-eight (28) complaints before the Board, the Board presented twelve (12) complaints for review and rendered findings for the thirty-one (31) allegation(s) contained in twelve (12) complaints. Twelve (12) of these twelve

(12) complaints were closed and contained a total of thirty-one (31) allegations of misconduct. As to the twelve (12) complaints that were reviewed and closed, the Board made findings consistent with the preliminary findings of the Office of Professional Standards in six (6) complaints. One (1) complaint, in addition to the eight (8) reviewed, was closed with no review.

Board action, aside from voting on complaints, was taken in zero (0) complaints which were filed in the fourth quarter of 2016.

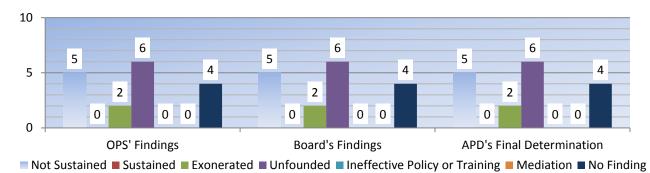


Figure 1: Comparison of findings made by the OPS, the Board, and the Albany Police Department during the fourth quarter of 2016.

Figure 1 depicts a comparison of the findings made by the Board and the findings made by the Police Department, including the preliminary findings of the Office of Professional Standards and the Albany Police Department's final determinations. The following is a summary of those complaints:

CPRB No. 30-14 / OPS No. CC2014-087 [monitor appointed]

Nature of the Allegation(s):	1) <u><b>Conduct Standards</b></u> - the complainant alleged an officer told her son that "If the street lights were off he would beat their f ass" and that "they didn't belong in that neighborhood."	
OPS Preliminary Finding(s):	1) Not Sustained as to the conduct standards allegation.	
CPRB Finding(s):	1) Not Sustained as to the conduct standards allegation.	
APD Final Determination(s):	1) Not Sustained as to the conduct standards allegation.	
CPRB No. 33-14 / OPS No. CC2014-077 [monitor appointed]		
Nature of the Allegation(s):	1) <u><b>Call Handling</b></u> - the complainant alleged the officers stated "you are from that crazy and disrespectful family, you are lucky you are stopped in a well-lit area," and used profanity; <i>and</i>	
	2) <u><b>Call Handling</b></u> - the complainant's grandson alleged the arresting officer touched him inappropriately.	

OPS Preliminary Finding(s):	1) Not Sustained as to the call handling allegation; and
	2) <b>Unfounded</b> as to the call handling allegation.
CPRB Finding(s):	1) Not Sustained as to the call handling allegation; and
	2) <b>Unfounded</b> as to the call handling allegation.
APD Final Determination(s):	1) Not Sustained as to the call handling allegation; and
	2) Not Sustained as to the call handling allegation.
CPRB No. 05-15 / OPS No.	CC2015-009 [monitor appointed]
Nature of the Allegation(s):	1) <u>Arrest Authority &amp; Procedures</u> - the complainant alleged an officer followed her vehicle for several minutes and waited 3 to 4 blocks before pulling the complainant over for the first violation;
	2) <u><b>Conduct Standards</b></u> - the complainant alleged an officer abused his authority by refusing to tell her what his name was;
	3) <u><b>Conduct Standards</b></u> - the complainant alleged the officer shined his flashlight in her car without a search warrant;
	4) <u><b>Conduct Standards</b></u> - the complainant alleged the officer has followed her twice previously and shined a light into her parked car; the complainant further alleged the officer targets her for an unknown reason;
	5) <u>Conduct Standards</u> - the complainant alleged the officer lied and wrote a false Uniform Traffic Ticket (UTT) following her use of her directional as required when she left the first traffic stop;
	6) <u><b>Conduct Standards</b></u> - the complainant stated that she was issued another UTT for talking on her cell phone while stopped a second time inferring that the ticket was false; <i>and</i>
	7) <u><b>Conduct Standards</b></u> - the complainant alleged she went to South Station to speak with a supervisor about the tickets she received and was told no supervisor was available at that time.
OPS Preliminary Finding(s):	1) <b>Unfounded</b> as to the arrest authority & procedures allegation;
	2) <b>Unfounded</b> as to the conduct standards allegation;

	3) <b>Exonerated</b> as to the conduct standards allegation;
	4) <b>Unfounded</b> as to the conduct standards allegation;
	5) <b>Exonerated</b> as to the conduct standards allegation;
	6) <b>Ineffective Policy or Training</b> as to the conduct standards allegation; <i>and</i>
	7) <b>Exonerated</b> as to the conduct standards allegation.
CPRB Finding(s):	1) <b>Exonerated</b> as to the arrest authority & procedures allegation;
	2) <b>Unfounded</b> as to the conduct standards allegation;
	3) <b>Exonerated</b> as to the conduct standards allegation;
	4) <b>Unfounded</b> as to the conduct standards allegation;
	5) <b>Exonerated</b> as to the conduct standards allegation;
	6) <b>Ineffective Policy or Training</b> as to the conduct standards allegation; <i>and</i>
	7) <b>Exonerated</b> as to the conduct standards allegation.
APD Final Determination(s):	1) <b>Exonerated</b> as to the arrest authority & procedures allegation;
	2) <b>Unfounded</b> as to the conduct standards allegation;
	3) <b>Exonerated</b> as to the conduct standards allegation;
	4) <b>Unfounded</b> as to the conduct standards allegation;
	5) <b>Exonerated</b> as to the conduct standards allegation;
	6) <b>Ineffective Policy or Training</b> as to the conduct standards allegation; <i>and</i>
	7) <b>Exonerated</b> as to the conduct standards allegation.
CPRB No. 20-15 / OPS No.	CC2015-042 [monitor appointed]
Nature of the Allegation(s):	1) <u>Arrest Authority &amp; Procedures</u> - the complainant alleged officers tried to enter his apartment without probable cause;

	2) <u>Arrest Authority &amp; Procedures</u> - the complaint alleged he was handcuffed for no reason;
	3) <u>Arrest Authority &amp; Procedures</u> - the complainant alleged he was placed in the back seat of a police vehicle which is unlawful imprisonment;
	4) <u>Arrest Authority &amp; Procedures</u> - the complainant alleged he was driven from his apartment where he was then interrogated and searched by officers; <i>and</i>
	5) <u>Use of Force</u> - the complainant alleged an officer rolled down his window and pepper sprayed the complainant's fiancé.
OPS Preliminary Finding(s):	1) <b>Not Sustained</b> as to the arrest authority & procedures allegation;
	2) <b>Exonerated</b> as to the arrest authority & procedures allegation;
	3) <b>Exonerated</b> as to the arrest authority & procedures allegation;
	4) <b>Exonerated</b> as to the arrest authority & procedures allegation; <i>and</i>
	5) <b>Exonerated</b> as to the use of force allegation.
CPRB Finding(s):	1) <b>Not Sustained</b> as to the arrest authority & procedures allegation;
	2) <b>Exonerated</b> as to the arrest authority & procedures allegation;
	3) <b>Exonerated</b> as to the arrest authority & procedures allegation;
	4) <b>Exonerated</b> as to the arrest authority & procedures allegation; <i>and</i>
	5) Not Sustained as to the use of force allegation.
APD Final Determination(s):	1) <b>Not Sustained</b> as to the arrest authority & procedures allegation;
	2) <b>Exonerated</b> as to the arrest authority & procedures allegation;
	3) <b>Exonerated</b> as to the arrest authority & procedures allegation;

4) **Exonerated** as to the arrest authority & procedures allegation; *and* 

5) **Exonerated** as to the use of force allegation.

#### CPRB No. 26-15 / OPS No. CC2015-049 [no monitor appointed]

Nature of the Allegation(s): 1) <u>Call Handling</u> - the complainant alleged officers refused to allow him to press charges against his attacker who he believed was related to a case he had going on in Police Court. The complainant alleged the officers refused to take his complaint.

OPS Preliminary Finding(s): 1) **Exonerated** as to the call handling allegation.

CPRB Finding(s): 1) **Exonerated** as to the call handling allegation.

APD Final Determination(s): 1) **Exonerated** as to the call handling allegation.

CPRB No. 30-15 / OPS No. CC2015-052 [no monitor appointed]

Nature of the Allegation(s): 1) <u>Arrest Authority & Procedures</u> - the complainant alleged the officers pulled the complainant over for a missing headlight; officers smelled marijuana in the car;

2) <u>Arrest Authority & Procedures</u> - the complainant alleged that officers performed unnecessary drug test and purposely caused her to fail the tests;

3) <u>Arrest Authority & Procedures</u> - the complainant alleged being taken to the hospital for blood tests; the officers were upset they couldn't get the blood needed due to the complainant's medical condition;

4) **<u>Arrest Authority & Procedures</u>** - the complainant alleged that she was denied a phone call while in booking;

5) <u>Arrest Authority & Procedures</u> - the complainant alleged that no one showed concern that she would miss her medical appointment;

6) <u>Arrest Authority & Procedures</u> - the officer decided to lodge the complainant due to the complainant spitting on the officer, but did not charge the complainant with the offense of spitting on the officer;

	7) <u>Use of Force</u> - the complainant alleged that as the complainant walked out of the ER officers stepped on the complainant's feet, dragged the complainant to the police car, and threw the complainant into the car; <i>and</i>
	8) <u>Use of Force</u> - the complainant alleged that a spit mask placed on the complainant restricted the complainant's breathing.
OPS Preliminary Finding(s):	1) <b>Exonerated</b> as to the arrest authority & procedures allegation;
	2) <b>Exonerated</b> as to the arrest authority & procedures allegation;
	3) <b>Exonerated</b> as to the arrest authority & procedures allegation;
	4) <b>Exonerated</b> as to the arrest authority & procedures allegation;
	5) <b>Unfounded</b> as to the arrest authority & procedures allegation;
	6) <b>Exonerated</b> as to the arrest authority & procedures allegation;
	7) <b>Unfounded</b> as to the use of force allegation; and
	8) <b>Unfounded</b> as to the use of force allegation.
CPRB Finding(s):	1) <b>Exonerated</b> as to the arrest authority & procedures allegation;
	2) <b>Exonerated</b> as to the arrest authority & procedures allegation;
	3) <b>Exonerated</b> as to the arrest authority & procedures allegation;
	4) <b>Exonerated</b> as to the arrest authority & procedures allegation;
	5) <b>Unfounded</b> as to the arrest authority & procedures allegation;
	6) <b>Ineffective Policy or Training</b> as to the arrest authority & procedures allegation;
	7) <b>Unfounded</b> as to the use of force allegation; and
	8) <b>Unfounded</b> as to the use of force allegation.
APD Final Determination(s):	1) <b>Exonerated</b> as to the arrest authority & procedures allegation;
	2) <b>Exonerated</b> as to the arrest authority & procedures allegation;
	3) <b>Exonerated</b> as to the arrest authority & procedures allegation;

4) **Exonerated** as to the arrest authority & procedures allegation;

5) Unfounded as to the arrest authority & procedures allegation;

6) **Ineffective Policy or Training** as to the arrest authority & procedures allegation;

7) **Unfounded** as to the use of force allegation; *and* 

8) **Unfounded** as to the use of force allegation.

CPRB No. 35-15 / OPS No. CC2015-057 [monitor was assigned]

- Nature of the Allegation(s): 1) <u>Arrest Authority & Procedures</u> the complainant alleged he was stopped twice on two different dates by the same officer and was threatened on the second stop when the complainant alleged the officer stated "I will just make up more sh—about you." The complainant further alleged that they are in fear that the officer will lie about him.
- OPS Preliminary Finding(s): 1) Not Sustained as to the arrest authority & procedures allegation.
- CPRB Finding(s): 1) Not Sustained as to the arrest authority & procedures allegation.
- APD Final Determination(s): 1) **Not Sustained** as to the arrest authority & procedures allegation.

CPRB No. 37-15 / OPS No. CC2015-064 [no monitor was assigned]

Nature of the Allegation(s): 1) <u>Conduct Standards</u> - the complainant alleged that while the electricity was off at his high-rise, a police officer and a firefighter opened his front door and the officer shouted "get your pants on" and then left while the firefighter stayed asking medical questions for the power outage incident; *and* 

2) <u>Conduct Standards</u> - the complainant alleged he called the APD on September 18, 2015, and left his phone number with Communications; he later placed a second call on September 22, 2015, requesting that a supervisor return his call.

OPS Preliminary Finding(s): 1) Unfounded as to the conduct standards allegation; and

2) Not Sustained as to the conduct standards allegation.

CPRB Finding(s):	1) Not Sustained as to the conduct standards allegation; and	
	2) Not Sustained as to the conduct standards allegation.	
APD Final Determination(s)	: 1) <b>Unfounded</b> as to the conduct standards allegation; and	
	2) Not Sustained as to the conduct standards allegation.	
CPRB No. 01-16 / OPS No.	CC2016-002 [no monitor was assigned]	
Nature of the Allegation(s):	1) <u><b>Call Handling</b></u> - the complainant alleged he was robbed and that when APD was called for assistance they failed to provide any and simply asked the complainant "what do you want us to do?"; <i>and</i>	
	2) <u><b>Call Handling</b></u> - the complainant alleged he did not receive a police crime report.	
OPS Preliminary Finding(s):	1) Not Sustained as to the call handling allegation; and	
	2) <b>Exonerated</b> as to the call handling allegation.	
CPRB Finding(s):	1) Not Sustained as to the call handling allegation; and	
	2) <b>Exonerated</b> as to the call handling allegation.	
APD Final Determination(s)	1) Not Sustained as to the call handling allegation; and	
	2) <b>Exonerated</b> as to the call handling allegation.	
CPRB No. 02-16 / OPS No. CC2016-003 [monitor was assigned]		
Nature of the Allegation(s):	1) <u><b>Call Handling</b></u> - the complainant alleged she was assaulted by nurses at St. Peter's Hospital, and responding APD officers failed to assist her on the scene;	
	2) <u><b>Call Handling</b></u> - the complainant alleged she went to Center Station, and the desk officer refused to file an assault report for her;	
	3) <u><b>Conduct Standards</b></u> - the complainant alleged that while at Center Station the officer called her a "faggot," "transvestite," and "cock sucker"; <i>and</i>	

	4) <u>Use of Force</u> - the complainant alleged that she was punched in the kidneys and then physically thrown down the exit stairs of the station.	
OPS Preliminary Finding(s):	1) <b>Unfounded</b> as to the call handling allegation;	
	2) <b>Unfounded</b> as to the call handling allegation	
	3) Not Sustained as to the conduct standards allegation; and	
	4) <b>Unfounded</b> as to the use of force allegation.	
CPRB Finding(s):	1) <b>Unfounded</b> as to the call handling allegation;	
	2) <b>Unfounded</b> as to the call handling allegation; The Board also recommended additional APD officer training be provided to address the proper receipt of sexual assault reports.	
	3) Not Sustained as to the conduct standards allegation; and	
	4) <b>Unfounded</b> as to the use of force allegation.	
APD Final Determination(s):	1) <b>Unfounded</b> as to the call handling allegation;	
	2) <b>Unfounded</b> as to the call handling allegation	
	3) Not Sustained as to the conduct standards allegation; and	
	4) <b>Unfounded</b> as to the use of force allegation.	
CPRB No. 03-16 / OPS No. CC2016-011 [no monitor was appointed]		
Nature of the Allegation(s):	1) <u><b>Call Handling</b></u> - the complainant alleged that he attempted to enter court with containers of liquid;	
	2) <u>Use of Force</u> - the complainant alleged he was forcibly removed from the Albany Criminal Court Office Building; <i>and</i>	
	3) <u><b>Call Handling</b></u> - the complainant alleged he entered South Street Station and was advised the sergeant in charge of court was unavailable.	
OPS Preliminary Finding(s):	1) <b>Exonerated</b> as to the call handling allegation;	
	2) Not Sustained as to the use of force allegation; <i>and</i>	

	3) Not Sustained as to the call handling allegation.
CPRB Finding(s):	1) <b>Exonerated</b> as to the call handling allegation;
	2) Not Sustained as to the use of force allegation; <i>and</i>
	3) Not Sustained as to the call handling allegation.
APD Final Determination(s):	1) <b>Exonerated</b> as to the call handling allegation;
	2) Not Sustained as to the use of force allegation; <i>and</i>
	3) Not Sustained as to the call handling allegation.
CPRB No. 06-16 / OPS No.	CC2016-009 [no monitor was appointed]
Nature of the Allegation(s):	1) <u>Use of Force</u> - the complainant alleged when he was arrested on a street corner officers pushed his head into the concrete and attempted to smother him;
	2) <u>Use of Force</u> - the complainant was transported to Albany Medical Center, and alleged when he was placed in the police car he was kneed repeatedly in the head;
	3) <u>Use of Force</u> - the complainant was transported to AMC and alleged that officers asked the doctor and intern to leave so that they could assault him once again; <i>and</i>
	4) <u>Use of Force</u> - the complainant alleged that a doctor stuck a needle in his leg.
OPS Preliminary Finding(s):	1) Not Sustained as to the use of force allegation;
	2) Not Sustained as to the use of force allegation;
	3) <b>Unfounded</b> as to the use of force allegation; <i>and</i>
	4) <b>No Finding</b> as to the use of force allegation.
CPRB Finding(s):	1) Not Sustained as to the use of force allegation;
	2) Not Sustained as to the use of force allegation;
	3) <b>Unfounded</b> as to the use of force allegation; <i>and</i>
	4) <b>No Finding</b> as to the use of force allegation.

APD Final Determination(s):	1) <b>Unfounded</b> as to the use of force allegation;
	2) <b>Unfounded</b> as to the use of force allegation
	3) Not Sustained as to the use of force allegation; <i>and</i>
	4) <b>Unfounded</b> as to the use of force allegation.
CPRB No. 11-16 / OPS No.	CC2016-014 [no monitor was appointed]
Nature of the Allegation(s):	1) <u><b>Conduct Standards</b></u> - the complainant alleged that he was issued a parking ticket in retaliation for an incident that he and his fiancé were involved in at Central Station the night before; <i>and</i>
	2) <u>Use of Force</u> - the complainant alleged he was "violently" escorted out of the building without cause.
OPS Preliminary Finding(s):	1) Not Sustained as to the conduct standards allegation; and
	2) <b>Unfounded</b> as to the use of force allegation.
CPRB Finding(s):	1) Not Sustained as to the conduct standards allegation; and
	2) <b>Unfounded</b> as to the use of force allegation.
APD Final Determination(s):	1) Not Sustained as to the conduct standards allegation; and
	2) <b>Unfounded</b> as to the use of force allegation.
CPRB No. 13-16 / OPS No.	CC2016-015 [monitor was assigned]
Nature of the Allegation(s):	1) <u>Arrest Authority &amp; Procedures</u> - the complainant alleged detectives and officers entered and searched her apartment without a warrant;
	2) <u>Arrest Authority &amp; Procedures</u> - the complainant alleged prior to a search warrant detectives searched through dresser drawers;
	3) <u>Arrest Authority &amp; Procedures</u> - the complainant alleged she was not read her Miranda Rights; <i>and</i>
	4) <b>Evidence &amp; Property Handling</b> - the complainant alleged neither she nor her boyfriend received a receipt for the handgun that was taken out of the apartment.

OPS Preliminary Finding(s): 1) **Exonerated** as to the arrest authority & procedures allegation;

	2) <b>Not Sustained</b> as to the arrest authority & procedures allegation;
	3) <b>Not Sustained</b> as to the arrest authority & procedures allegation;
	4) <b>Exonerated</b> as to the arrest authority & procedures allegation; <i>and</i>
	5) <b>Exonerated</b> as to the evidence & property handling allegation.
CPRB Finding(s):	1) <b>Exonerated</b> as to the arrest authority & procedures allegation;
	2) <b>Not Sustained</b> as to the arrest authority & procedures allegation;
	3) <b>Not Sustained</b> as to the arrest authority & procedures allegation;
	4) <b>Exonerated</b> as to the arrest authority & procedures allegation; <i>and</i>
	5) <b>Exonerated</b> as to the evidence & property handling allegation.
APD Final Determination(s)	: 1) <b>Exonerated</b> as to the arrest authority & procedures allegation;
	2) <b>Not Sustained</b> as to the arrest authority & procedures allegation;
	3) <b>Not Sustained</b> as to the arrest authority & procedures allegation;
	4) <b>Exonerated</b> as to the arrest authority & procedures allegation; <i>and</i>
	5) <b>Exonerated</b> as to the evidence & property handling allegation.

#### **DEFINITION OF CPRB FINDINGS**

Section 42-344A of Chapter 42, Part 33 of the Albany City Code charges the Board with, after review and deliberation of an investigation, shall, by majority vote, make one of the following findings on the case:

(1) *Sustained* - where the review discloses sufficient facts to prove the allegations made in the complaint.

(2) *Not Sustained* - where the review fails to disclose sufficient facts to prove or disprove the allegation made in the complaint.

(3) *Exonerated* - where the acts which provide the basis for the complaint occurred, but the review shows that such acts were proper.

(4) *Unfounded* - where the review shows that the act or acts complained [of] did not occur or were misconstrued.

(5) *Ineffective Policy or Training* - where the matter does not involve guilt or lack thereof, but rather ineffective departmental policy or training to address the situation.

(6) *No Finding* - where, for example, the complaint failed to produce information to further the investigation; or where the investigation revealed that another agency was responsible and the complaint or complainant has been referred to that agency; or where the complainant withdrew the complaint; or where the complainant is unavailable to clarify the complaint; or where the officer is no longer employed by the City.

(7) *Mediation* - where the complaint is resolved by mediation.

#### **GRIEVANCE FORM PROCESS**

#### **Background**

In the fourth quarter of 2008, former Chief of Police James Tuffey introduced a new system to the Albany Police Department, where complainants who have a grievance with a member of the APD, but opt not to complete a CPRB Complaint Form, would have their contact information provided to the CPRB using Grievance Forms so that the CPRB can reach out to them. This process ensures that individuals would not lose out on having their complaint reviewed by the Board. The OPS agreed to implement this Grievance Form process as part of its Standard Operating Procedure. Under this system, every complainant who files a Grievance Form with the OPS will have a full opportunity to complete a CPRB Complaint Form.

#### COMPLAINT SUMMARIES AND STATISTICS

During the fourth quarter of 2016, the Board received seven (7) new Grievance Forms from the OPS, in addition to its five hundred and eighty (580) Grievance Forms that were received since the inception of the Grievance Form process in 2008. Out of the seven (7) new Grievance Forms that were filed in the fourth quarter of 2016, one (1) citizen Complaint Form was filed. Of the five hundred and eighty-four (584) Grievance Forms received by the Board since 2008, one hundred and fifty-eight (158) Complaint Forms were filed.

Board action was taken on one (1) complaint, which was filed in the fourth quarter of 2016. The action taken on the one (1) complaint was due to the complainant withdrawing the complaint. The Board voted unanimously to close the complaint with no review.

#### MEETINGS

The Board met as a whole two (2) times for the conduct of business during the fourth quarter of 2016. Meetings were held on September 8, 2016, and October 13, 2016. Each of the two (2) meetings were held at the University at Albany Downtown Campus, Levitt Room in Milne Hall (M120), 135 Washington Avenue. There was a public comment period at each meeting.

The Board meets on the second Thursday of every month so as not to conflict with the monthly meetings of the County Legislature, and to encourage media and public participation at its meetings.

#### CONCLUSION

The Board had a productive fourth quarter, which included: the Board meeting as a whole two (2) times, reviewing eight (8) complaints and rendering findings for seventeen (17) allegation(s) contained in eight (8) complaints. The Albany Citizens' Police Review Board continued to work collaboratively with the Albany Police Department.

Respectfully submitted,

Government Law Center of Albany Law School Approved by and submitted on behalf of the City of Albany Citizens' Police Review Board

Approved by the CPRB: April 13, 2017