



City of Albany
Community Police Review Board
2019 Annual Report

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

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

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BACKGROUND

The Albany Community Police Review Board (CPRB) is an independent body established by the City of Albany in 2000 to improve communication between the police department and the community, to increase police accountability and credibility with the public, and to create a complaint review process that is free from bias and informed of actual police practice.

In addition to its authority to review and comment on completed investigations of complaints made by community members against officers of the City of Albany Police Department for alleged misconduct, the nine-member Board may make recommendations to the Common Council and the Mayor regarding police policies and practices relevant to the goals of community policing and the exercise of discretionary authority by police officers. Board members are appointed by the Mayor and the Common Council. In a unique arrangement, the Government Law Center at Albany Law School provides substantial support services to assist the Board in its duties and responsibilities.

The legislation that creates and governs the Board is part 33 of Chapter 42 of the Code of the City of Albany, which can be found online here: ecode360.com/7680044. More information on the Board can be found on its website, albanycprb.org.

This is the Board's nineteenth annual report.¹ It covers the Board's operations from November 1, 2018, to October 31, 2019.

Procedures

At the conclusion of the Office of Professional Standards' investigation of a citizen complaint, the Police Department is required to submit a "preliminary" report of its findings to the Board. (See § 42-343(E)). The Board then reviews the case. As part of the Board's process, it reviews the complaint, the OPS's preliminary report, the report of a monitor if one has been assigned, transcripts, and information in the Board's complaint file and the OPS's investigative file. The Board also hears a presentation by a monitor (if one was assigned) and has the opportunity to question detectives from the OPS. The Board then makes findings on the complaint. The Chief of Police must then "review the Department's preliminary report in light of the [Board's] finding and. . . [m]ake the Department's final determination." (City Code § 42-345).

¹ Albany Code § 42-340 requires that the Government Law Center, on behalf of the Board, "file annual reports with the Common Council and the Mayor, which contain statistics and summaries of citizen complaints, including a comparison of the Board's findings with the final determinations of the Police Department."

Board Members

The Board is comprised of nine members, five members appointed by the Common Council, and four members appointed by the Mayor, who serve for three-year staggered terms. The following members constituted the Board during 2019:

Ivy S. Morris, *Chair*

First Appointed 04/06/2016
Mayoral Appointee

Warren E. Hamilton, *Vice Chair*

First Appointed 11/01/2017
Albany Common Council Appointee

Veneilya Harden, *Secretary*

First Appointed 10/20/2017
Albany Common Council Appointee

Larry Becker

First Appointed 03/27/2015
Mayoral Appointee

Reverend Dr. Victor L. Collier

First Appointed 03/22/2016
Mayoral Appointee
Albany Common Council Appointee

John T. Evers

First Appointed 11/15/2018
Resigned 11/5/2020
Albany Common Council Appointee

Zachary J. Garafalo, *Vice Chair*

First Appointed 06/6/2016
Albany Common Council Appointee

Matt Ingram

First Appointed 10/17/2017
Albany Common Council Appointee

Jellisa Joseph

First Appointed 8/6/2019
Resigned 11/8/2019
Mayoral Appointee

No Board Members attended the Citizens' Police Academy Training during this year.

ACTIONS TAKEN BY THE BOARD

Number of Cases Received and Reviewed

Between November 1, 2018, and October 31, 2019, members of the community filed 22 new complaints. Of those 22 new complaints, the Board reviewed 3. It also reviewed 0 complaints that were pending at the beginning of this period because they were filed before November 1, 2018. Thus, between November 2018 and October 2019, the Board reviewed a total of 3 complaints.

The Board received 22 new complaints in 2019. (See Figure 1). The Board received an average of approximately 2 complaints per month. These complaints included those filed with the Board directly and those filed with the Board through the Office of Professional Standards (OPS).

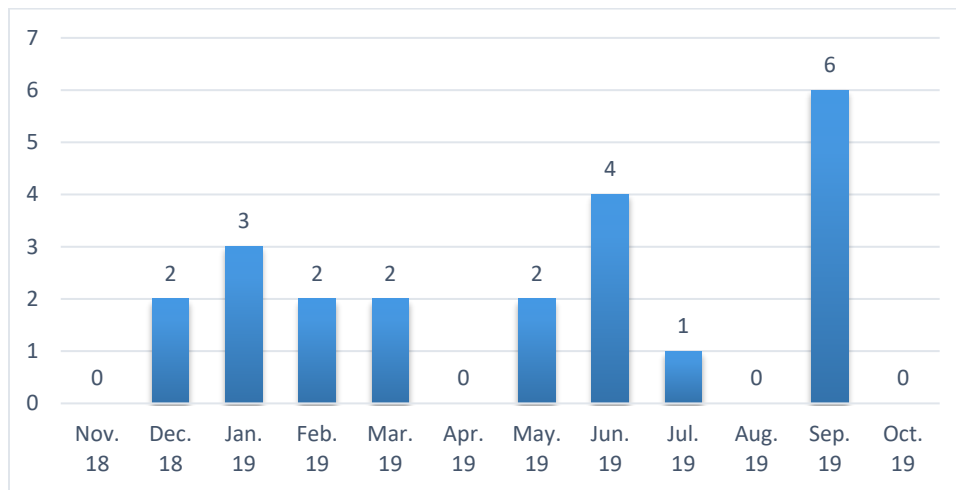


Figure 1: Monthly breakdown of the 22 complaints filed from November 1, 2018 to October 31, 2019.

In the last ten years (between October 27, 2008, and October 31, 2019), the Board received a total of 526 complaints (See Figure 2). The Board received an average of 43 complaints per year. These complaints included those filed with the Board directly and those filed with the Board through the Office of Professional Standards (OPS).

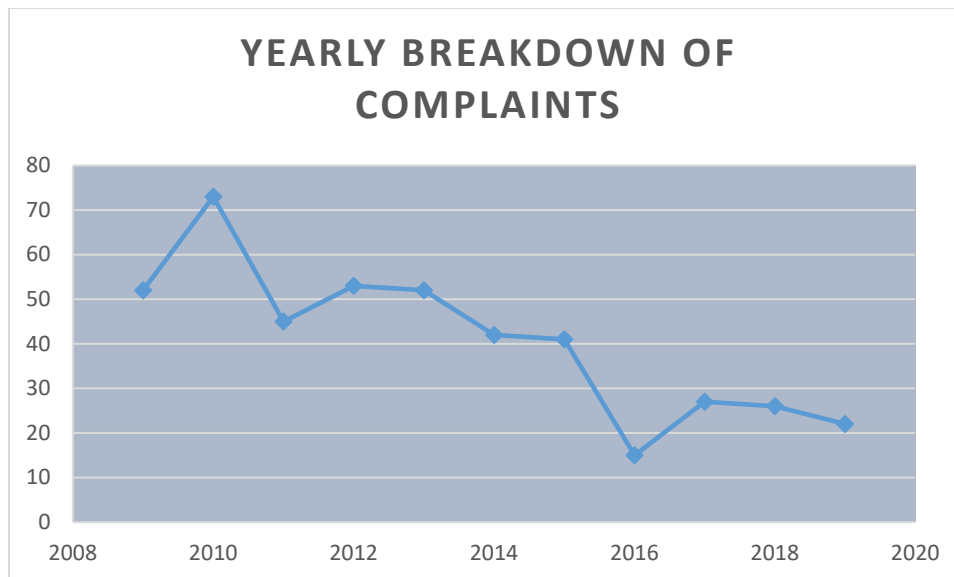


Figure 2: Yearly breakdown of the 526 complaints filed from October 27, 2008 to October 31, 2019

Findings

Since the 4 complaints reviewed and closed contained multiple allegations of misconduct, the number of findings made is not equal to the number of complaints in which findings were rendered. Of the three complaints that were reviewed and closed, one contained allegations of misconduct. The fourth complaint could not be review as it was out of CPRB jurisdiction.

Number of Cases Pending

The Board can review cases only once OPS has submitted its reports. On November 1, 2018, 22 cases were awaiting OPS’s report; in 3 cases, OPS had submitted its report and the cases was reviewed by the Board; and 4 cases were suspended because they were in litigation. The Board made findings in 3 cases.

At the beginning of the reporting period (2019), five new complaints were received. At this time, eight complaints are under investigation at OPS and there are four suspended complaints. Currently, there are thirteen complaints before the Board. The Board reviewed, and made findings on one complaint, for six allegations. Three monitors were appointed to investigate cases and allegations were forwarded to the Board. In the six allegations which were reviewed and closed, the Board made four findings not consistent with the preliminary findings of the Office of Professional Standards. During the second quarter of 2019, the Board received four new complaints in addition to its eleven active complaints and four suspended complaints. Of the fifteen complaints before the Board, there were no complaints brought before the Board for review during the second quarter. The board received seven new complaints during the third quarter. There are sixteen active complaints and four suspended complaints. Of the twenty-seven complaints before the Board, there were no complaints summaries submitted by OPS during the third quarter. There are thirty-two active

complaints and four suspended complaints. Of the thirty-two complaints before the Board, there were no complaints summaries submitted by OPS during the fourth quarter.

Suspension of Review

The Common Council or the Mayor may suspend any case where there is a criminal investigation or a civil lawsuit.

The Board had two suspended complaints, which were carried over from the previous year of operation (November 1, 2017 - October 31, 2018). These suspensions remained in place throughout the year, so the Board ended the year of operation with two suspended complaints.

Appointment of Monitors

Under § 42-343(B)(1) of the legislation, the Board is required to appoint an individual to observe and monitor the Office of Professional Standards' investigation of a complaint "in the event the complaint alleges use of force or a violation of civil rights." Of the 22 complaints filed, the Board appointed a monitor to observe OPS investigations of 6 complaints.

Further Investigation/Board Action

Under § 42-343(F)(2) of the City Code, the Board may, after its "review and deliberation of the preliminary report of the Department's finding . . . request that Professional Standards conduct further investigation of the complaint."

Of the three complaints reviewed, the Board did not send any complaints reviewed back to the Office of Professional Standards for further investigation.

Mediation

After a complaint is filed, § 42-346(C) of the legislation provides that "the complainant or officer may at any time in the review process utilize the [Board's] mediation process . . . to resolve the complaint. Additionally, the Board is authorized under § 32-343(F)(4) to refer the complaint to mediation following its review and deliberation of the Department's preliminary report of its findings. In the nineteenth year of operation, the Board did not forward any complaints to mediation.

DATA ON COMPLAINANTS, OFFICERS, AND ALLEGATIONS

Race/Ethnicity and Gender of Complainants

Complainants who file a Citizen Complaint Form with the Board may, at their option, include information relating to their race/ethnicity and gender. Of the 21 complaints filed with the Board in 2019, 18 contained information from the complainant regarding the complainant's gender; 16 contained information from the complainant regarding the complainant's race/ethnicity. The 16 identified complainants out of these 21 complaints were comprised of: 29% African-American females; 33% African-American males; 35% Caucasian females; 11% Caucasian males; 0% Hispanic male; 0% Hispanic females; and 35% did not identify race and/or gender (See Figure 3).

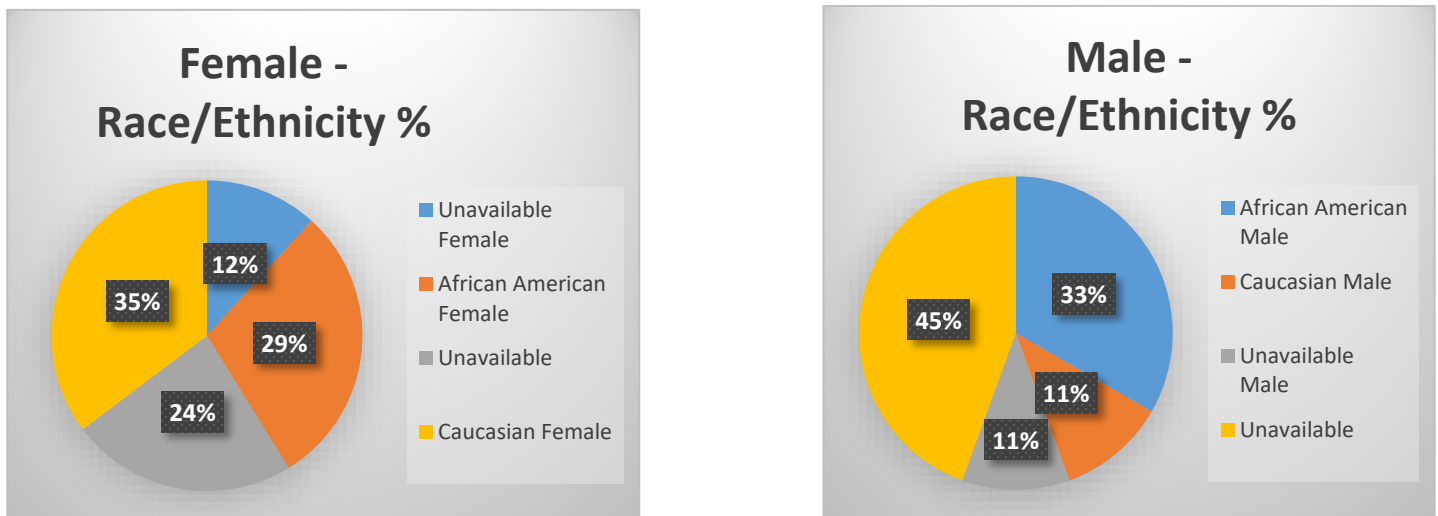


Figure 3: Race/Ethnicity and Gender of the Complainants

Of the 22 complaints filed with the Board in 2019, 15 complainants chose to submit information regarding their race/ethnicity and 4 complainants chose not to submit information regarding their gender. The gender of the complainant in 2 complaints could be determined by language and 2 were not able to be determined by language contained in the complaint form, the Office of Professional Standards' preliminary report, and/or the report of the monitor, if a monitor was assigned to the complaint.

Race/Ethnicity and Gender of Officers

In addition to the optional section provided for complainants, the Citizen Complaint Form provides a section for the complainant to enter descriptive information about the officer(s) who are the subject of the complaint. In this section, the complainant is asked to provide race/ethnicity and gender information about the officer(s). Of the 21 complaints received, 11 complaints indicated the officer was male, 9 complaints provided the ethnicity of the officer, and 12 complaints did not provide the information.

Allegations Contained in the Complaints

This section discusses the allegations contained in the complaints. It counts and categorizes only the complaints in the four cases that the Board reviewed between November 2018 and October 2019 (regardless of whether the complaint was *filed* before November 2018), because OPS and the Board do not categorize the allegations in complaints until they review them. Each of the 4 complaints the Board reviewed between November 2018 and October 2019 contained multiple allegations.

This paragraph is a summary of the chart below.

Seven allegations were made in the four complaints the Board reviewed. Two allegations fell under the category of Arrest Authority and procedures; none fell under the category of Call Handling; none fell under the category of Evidence & Property handling; two fell under the category of Unprofessional Conduct Standards; and three fell under the category of Use of Force. In identifying these categories and subcategories of allegations, the Board accounted for the complaint's own classification of the allegations contained in those complaints.

Arrest Authority and Procedures	
Arrest Authority & Procedure	2
False/Illegal/Improper/Unlawful Arrest	
Abuse of Authority- Intimidating Behavior	
Threatened Arrest	
Call Handling	
Call Handling	
Failure to Complete Report/Investigate Properly/Handle Report	
Failure/Refusal to Provide Information/Assistance	
Illegal/Improper/Unlawful Stop/Detention/Questioning/Search/Harassment	
Illegal/Improper/Unlawful Search	
Evidence & Property Handling	
Evidence and Property Handling	
Unprofessional Conduct Standards	
Derogatory/Inappropriate/Profane/Offensive/Vulgar/Threatening/Racially-Biased/Unnecessary Language	1

Racial Bias	
Unprofessional Conduct (rudeness)	1
Use of Force	
Excessive Use of Force	
Improper Use of Force	
Unnecessary Use of Force	
Use of Force	3

Figure 4: Allegations Contained in the Four Complaints Reviewed from November 1, 2018, to October 31, 2019.

GRIEVANCE FORMS

The Board received no new grievance forms from OPS in the 2019 reporting year.

REPORTS

Four quarterly reports and one annual report were submitted to the Board for approval. Each report detailed the activities of the Board and the Government Law Center during each time period covered. A copy of each of these reports was submitted and filed with the Mayor, the Common Council, and the Chief of Police as required by § 42-340(c) of the City Code. Additional copies were forwarded to members of the public, community groups and organizations, and other interested parties on the Board’s mailing list. These reports were also posted on the Board’s website.

MEETINGS OF THE BOARD

The Board as a whole met seven times for the conduct of business. Meetings were devoted primarily to the review of complaints and a discussion of committee activities, and due to conflicting schedules, the Board did not meet during the months of July and August. There was a public comment period held at each of the monthly meetings.

CONCLUSION

The Board re-elected and elected Board officers; elected chairs and members for its committees and task force; continued to work collaboratively with the APD towards the enactment of a mediation program; revisited its outreach practices and complaint forms; served as guest lecturers to community-based organizations and tabled at a local event; reviewed complaints and closed a total of twenty-two of its active complaints; held seven regular monthly meetings; held several committee/task force meetings and trainings; reviewed and approved four quarterly reports and one annual report; and participated in meetings with the APD Command Staff, the Office of Professional Standards, the Albany Common Council’s Public Safety Committee, and City officials.

The Albany Community Police Review Board has remained dedicated to improving communication between the City of Albany Police Department and the community; increasing police accountability and credibility with the public; and building upon and maintaining a complaint review process that is credible, impartial, and fair to all.

Respectfully submitted,

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

Approved by the CPRB: August 13, 2020

APPENDIX: DEFINITIONS

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

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

CPRB or BOARD - The Community Police Review Board.

GOVERNMENT LAW CENTER (GLC) - The Government Law Center at Albany Law School.

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) - The Professional Standards Unit of the City of Albany Police Department.