



City of Albany Community Police Review Board

2019 Third Quarter Report

May 1, 2019 – July 31, 2019

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 Community Police Review Board (CPRB), quarterly reports containing “statistics and summaries of complaints, including a comparison of the CPRB’s findings with the final determinations of the [Police] Department.” This is the Second Quarter Report so submitted in the year 2019.

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.

DEFINITIONS

Definition of Terms

For purposes of this Report, the following words and phrases shall have the following meanings:

APD - City of Albany Police Department

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

CPRB or BOARD - Community 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

Definition of CPRB Findings

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

- (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.

Board Membership

Currently, there are two open appointments: One belonging to the Mayor and the other belongs to Common Council. The following seven members constituted the Board during the third quarter of 2019:

Larry Becker
Matthew Ingram

Zach Garafalo

Reverend Victor Collier Warren E. Hamilton, *Vice Chair* Ivy Morris, *Chair*
Veneilya A. Harden, *Secretary*

Complaint Review

Under Section II, Subsection I of the Board's Operating Procedures, each of the nine 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. The February and April meetings were cancelled in the second quarter of 2019.

Complaint Summaries

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, complaint was presented for review.

Meeting

The Board met two times to conduct business. Meetings were held at The Administration Building, 200 South Pearl St., May 9th, and at The Collaboratory, 3 Lincoln Square on June 27th. At the June meeting, the board held a public meeting before convening their retreat. At the aforementioned open meeting, the board voted and approved the latest version of the Travel Policy. In an attempt to raise awareness and participation by/in the community, the CPRB is partnering with local organizations and neighborhood associations to conduct meetings and outreach. The Board meets on the second Thursday of every month, to encourage media and public participation at its meetings.

By-Laws and Rules (Discussion)

What changes if any should we make to the complaint form? The complaint form itself should offer more guidance, and help people determine specific allegations based on the situation. Even if it's a short list and description of the top five possible complaints, then they can pick. APD choosing this on their own, and then investigating it based on what they think is appropriate.

a) Consider the wisdom of changing our procedures to allow us to independently interview the complainant (if the complainant is agreeable to one or two of us doing that) or being present when the complainant is interviewed by OPS, rather than hearing from the complainant, if at all, for the first time only at the monthly board meeting, which is after the review at The Office of Professional Standards of the concluded investigation.

b) Consider changing the CPRB procedures to allow the board or whomever they appoint, to be able to be present when third-party witnesses or police officers are being interviewed.

Education and Community Outreach (Discussion)

What is an allegation?

a) Participate in or arranging for regularly scheduled meetings between the recruits/officers/police administration and members of the community who would like to engage each other, with the goal of reinforcing the relationship between the police and the community improve.

b) Consider working with schools/organizations to create, or be involved with a "What to do when you're approached by police" program that can empower community members to avoid escalation in their interactions with police.... Representatives of the APD as well as other community stakeholders should actively participate in such programs.

c) The Coordinator of the CPRB proposed #518KnowYourRights, an outreach mechanism to assist with promoting the CPRB and encourage partnerships with APD and other organizations throughout the city of Albany.

Police Department Liaison (Discussion)

a) Provide Chief Hawkins with overview of CPRB to include Mission and Vision.

b) CPRB community engagement- what does this look like internally?

Public Official Liaison

CPRB is invited to conduct our outreach presentation for the new recruits for the 2019 Police Cadets from the APD.

Task Force on Monitors (Discussion)

Obtaining diversity in our group of monitors that reflects our community.

Report from the Government Law Center (GLC)

a) Suspensions – 4 (From 223 Days to 1575 Days)

b) Reference Manual - Submitted

c) Solicited training dates

d) Website is under construction

The GLC is coordinating trainings by OPS for the board. The Albany Police Department has provided board members with SOP's Thumb drives were given to the board, to be able to access APDs standard operating procedures.

The board approved four members: Ivy Morris, Chair, Warren E. Hamilton, Vice Chair, Veneilya Harden, Secretary, and Larry Becker to attend NACOLE. There are several reasons for sending these four members:

· In general, the NACOLE conference will be an opportunity to learn more about other cities' practices, and make connections that will help with further research. This will help, for example, make it possible for the CPRB to respond to the Common Council's request for feedback on the

current list of findings and whether they are unduly confusing. It will also help with further research into best practices.

- o Experienced CPRB members like Morris, Harden, and Becker will be best-positioned to ask the right questions.

- o NACOLE has multiple sessions happening at any one time, and there are many people who would make valuable contacts. Accordingly, sending four members of the CPRB, including some experienced members, will help cover the necessary ground.

- The NACOLE conference will also be an opportunity for Hamilton, the newest officer, to learn about police oversight in general and management of police-review boards in particular.

- The Board felt it was important to have the officers, particularly the Chair, represented at the conference, because other cities' representatives may be more willing to make time for conversations with Board officers;

- Larry Becker felt that it would be highly useful for outreach purposes to interview presenters at the conference, for later broadcast on local radio stations; interviewing people is an excellent way to make lasting contacts that will benefit the CPRB in the long term.

Report from the Chair

The Board voted on the updated Travel Policy and travel to NACOLE. Justification provided by the GLC.

CONCLUSION

The Boards' third quarter concluded with two public meetings and a retreat. Additionally, a new member, Jellisa Joseph, was appointed by the Mayor, leaving one Mayoral appointment open. The board submitted an appeal to APD regarding the Sherman Ryan complaint. During the June meeting, the board approved an amendment to the Travel Policy. Ivy Morris, Warren E. Hamilton, Veneilya Harden and Larry Becker have volunteered to attend NACOLE with the understanding that they will report back to the group. The Albany Community Police Review Board continues to work collaboratively with the Albany Police Department, The City of Albany and the Community we serve.

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: February 13, 2020