



# City of Albany Community Police Review Board

*2019 Fourth Quarter Report*

*August 1, 2019 – October 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.

## **APPENDIX: 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**

The following members constituted the Board during the last quarter of 2019:

Ivy Morris, *Chair*, Warren E. Hamilton, *Vice Chair*, Veneilya A. Harden, *Secretary* Larry Becker, Reverend Victor Collier, Zach Garafalo, and Matthew Ingram.

As of January 2020, there are two positions open: one for a Mayoral appointment, and one for an appointment by the Common Council.

## **Complaint Review**

Under Section II, Subsection I of the Board's Operating Procedures, each of the eight 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 December meeting was cancelled. Altogether, four complaints, containing six allegations, were presented for review in the first quarter of 2019.

## **Complaint Summaries**

The Board received seven new complaints during the third quarter. There are thirty-two (32) active complaints and four (4) suspended complaints. Of the thirty-two (32) complaints before the Board, one complaint was presented for review.

For the November meeting, one complaint was reviewed.

### **CPRB 04-18 / OPS No. CC2018-012**

**Office of Professional Standards description of allegation:** The complainant alleged officers accused her of making a false report of a Robbery and took advantage of her known disabilities.

**Office of Professional Standards categorized this allegation as:** Conduct Standards (2cts)

**Office of Professional Standards finding:** OPS – 1. Exonerated 2. Not Sustained

**Conduct Standards – Exonerated**, where the acts which prove the basis for the complaint occurred, but the review shows that the act or acts were proper. The complainant alleged an officer told her if she called the police with a false report again she would be arrested. The complainant called the police and stated there

was a Robbery and hung up the phone. Upon arrival officers found the complainant standing out front and several people moving items from a house. It appears that two officers already knew of a court action and reminded the complainant of that. She refused to acknowledge the court action stating this was an illegal eviction. The complainant did not appear to have the willingness to fully understand what happened in court regarding her residence.

**Conduct Standards – Not Sustained**, where the review failed to disclose sufficient facts to prove or disprove the allegation made in the complaint. The complainant alleged officer took advantage of her known disabilities. The officers stated they did not know of any disabilities the complainant had. The complainant refused to speak about her disabilities and stated I have told the officers in the past about it.

**CPRB Finding:**

CPRB – referred back to OPS for review. At the time of the incident, what was the basis of the officers' belief that this was a legitimate eviction? Did the officers have access to or did they review eviction papers, such as a warrant of eviction or court order? Did OPS do so and retain copies of what they found for the complainant's file? As to the complainant's claim that she owned the home in question, did the officers or OPS investigate that claim by checking with the County Clerk's records as to real property ownership and retain copies of what they found for the complainant's file?

(2) At what point did the officers become aware of or come to the belief that the complainant was a mentally disabled person? And what brought this awareness to the fore.

(3) In threatening the complaint with arrest if she called in a similar complaint, were they taking into account that the complainant was mentally disabled?

**Meetings**

The Board met 1 time to conduct business in the Third Quarter. Community Review Board Meetings were held at Albany Community Development Agency, 200 Henry Johnson Blvd, Community Room, 2<sup>nd</sup> Floor, Albany, NY; October 10<sup>th</sup>. 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.

**Education and Community Outreach**

The Outreach and Education Committee tabled at Mississippi Day and presented at Upper Washington Neighborhood Association and is cross promoting with “A block At A Time” events.

### **Police Department Liaison**

There was an Ad Hoc meeting with the Albany Police Department command staff to discuss issues regarding the CPRB Coordinator and ride-a-longs.

### **Public Official Liaison**

Andy Ayers, Director, Government Law Center, Dean Alicia Ouellette, Albany Law School and the executive team met with Chief Hawkins, Albany Police Department and Mayor Sheehan, City of Albany.

**Task force on Monitors** – Obtaining diversity in our group of monitors that reflects the community.

### **Report from the Government Law Center**

The Community Police Review Board had updates to the reference manual; updating the website *AlbanyCPRB.org* and merchandising. The GLC met with Commander Battuello to discuss process. The GLC proposed standing meeting times for committees on Thursday's at 6:00pm. Members were asked to keep up with their emails.

### **Conclusion**

The Albany Community Police Review Board continues to work collaboratively with the Albany Police Department, The City of Albany, the community we serve.

Respectfully submitted,

Ava Ayers, Director  
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: July 9, 2020