



City of Albany
Community Police Review Board

2020 Third Quarter Report

May 1, 2020 – July 31, 2020

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

This report covers operations of the Albany Community Police Review Board from April 1, 2020, to June 30, 2020.

The Board 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.

Board Membership

The following members constituted the Board during the third quarter of 2020: Ivy Morris, *Chair*; Warren E. Hamilton, *Vice Chair*; Veneilya A. Harden; *Secretary*; Larry Becker; Reverend Dr. Victor Collier; Zach Garafalo; and Matthew Ingram. New Board member, Nairobi Vives was appointed on October 26, 2020.

As of January, 2020, there is 1 position open for an appointment by the Mayor.

Policy Recommendations

At the June 18 meeting, the Board adopted a set of recommendations for the Common Council. On June 22, 2020, the Board those recommendations to the Common Council. The recommendations were as follows:

I. PUBLIC ACCESS TO INFORMATION

Public Access to Police Department Policies

The following language should be adopted by statute:

- “All Albany Police Department (APD) policies and procedures, as well as any collective-bargaining agreements covering members of the Department, shall be made available to the public on the Department’s website within 14 days of their effective date and for as long as those policies, procedures, or agreements are effective. Specific provisions may be redacted if necessary to protect public safety. In the event a policy or procedure is redacted, APD shall forward notice to the Common Council explaining the need for the redaction within 14 days.”

Public Access to Disciplinary Information (Implementation of the Repeal of Civil Rights Law 50-A)

- The Albany Police Department shall post online any information about disciplinary actions taken against individual officers that would be subject to disclosure under the Freedom of Information Law.
- Require APD to publish quarterly reports on disciplinary actions taken within the department – complaints, investigations, and their resolution. These reports should include both individualized information about specific cases and aggregate information.
- The CPRB should have the power to request a report from the Department on whether disciplinary action was taken in any specific case.

- Under no circumstances shall the Department ask any member of the public to pay for access to information that would be subject to disclosure under the Freedom of Information Law.

Public Access to Video Footage

- "Upon request by any resident of New York State, the Department shall make any video footage pertaining to an incident public within 14 days, with only those redactions that are necessary." (This would presumably have to be harmonized with FOIL, and the limited circumstances identified in which withholding information would be appropriate.)
- "Under no circumstances shall a person be charged for access to video footage.

Public Oversight of Surveillance Technology

- Publicly release contracts for surveillance technology, including UAV, social media scrubbing, phone unlocking devices, etc.
- Every time each is used, create a process to have a master list of each use. Provide that list to the CPRB. Then, provide CPRB with a list of warrants corresponding to uses.
- Information obtained by surveillance will be destroyed as soon as an investigation or related criminal proceedings are finished, and a copy or detailed description of all data compiled on anyone will be relayed to them. There will not be a central collection, database, or comparison of data obtained through surveillance.
- Chief will create a policy to make a report for every time these technologies are used.
- Within 30 days, report, and copy of any warrant, it should be sent to CPRB.

Public Access to Data on Stops and Other Incidents (implementing new law against racial profiling)

- Require APD to collect data on all stops (traffic stops and pedestrian stops) that includes the race and gender of the person stopped and the officer involved, the nature of interaction between officer and driver (e.g., cordial, tense, combative),

location, the length of the stop, as well as the reason for the stop and the outcome of the stop (search, citation, arrest, warning, etc.). If a search was conducted, it should be clear whether the search occurred prior to arrest or incident to arrest.

- Requiring APD to make all of this data available online on APD's open data site, which has been collapsed into the City of Albany's open data portal (<https://data.albanyny.gov/>). The new data available via city's portal is aggregated to levels of neighborhood and patrol zone. APD should share data at lower level of analysis, e.g., geographic coordinates, street segment, or block level.
- Require APD to compile and report all of this data to the Common Council and CPRB on a quarterly basis.
- Require APD to review policy regarding documentation of incidents other than stops, and consider either (a) requiring officers fill out either field interview card or document incident as "civil problem", or (b) offer complainant option to fill out own "citizen report"; other agencies do this and it allows complainants to document an incident at police department, including getting a formal police report number, even if officer did not think it was reasonable to take a report; this seems like it would alleviate many of the concerns from complainants who express concern that without a report it is as if incident never occurred.

II. CPRB PROCEDURES

CPRB Access to Information

Add new sections to Albany Administrative Code § 42-342:

- "The CPRB shall have full access to information about any officer involved in the events that are the subject of a complaint, including information about prior complaints about that officer and any action taken in response to those complaints. It shall be within the discretion of the CPRB whether to discuss in a public meeting, or include in the CPRB's findings, or otherwise make public, that information."
- "When a complaint is filed, and the Department has any audio or video footage pertaining to the incident (including, but not

limited to, body-camera footage and dashboard-camera footage), the Department shall make that footage available for viewing by any member of the CPRB upon request. If the Department fails to make the footage available within fourteen days, it shall forward notice to the CPRB and the Common Council explaining the delay. It shall be within the discretion of the CPRB whether to discuss in a public meeting, or include in the CPRB's findings, or otherwise make public, that information."

Delays in Investigating Cases

- Add the bolded language to Albany Administrative Code § 42-343(c): "Professional Standards shall begin its investigation of each complaint immediately upon receipt of the complaint. If Professional Standards fails to conclude its investigation within 60 days of receipt of the complaint, it shall advise the CPRB **and the Common Council** in writing of the status of the investigation and the estimated time for the conclusion of the investigation. Thereafter, Professional Standards shall advise the CPRB **and the Common Council** in writing of the status of the investigation every 30 days until the conclusion of the investigation."

III. OTHER REFORMS

When Officers Turn Off Recording Devices

- Make it a civil or criminal offense for an officer to deactivate a video or audio recording device such as a body camera when responding to an incident. (Such cases may already constitute obstruction of justice, if they involve the intent to obstruct a possible investigation, but obstruction of justice is difficult to prove.)

Criminal and Oversight Referrals

- The Police Review Board should have the power to make a referral to appropriate criminal and oversight authorities in any case in which its members conclude (and find, by majority vote) that there is probable cause to think that an officer or employee of the Albany Police Department has violated the law.

Public Statements about Cases

- "No member of the Police Department shall make a public statement about a case or incident unless they simultaneously make public all documents and recordings relevant to the case, including any material that would be subject to disclosure under *Brady v. Maryland* and related cases."

The Board has expressed serious concern about cases in which the Chief or members of the Police Department have made public statements immediately following an incident. Understandably, these statements are typically favorable to the Department's view of the case. But when the Police Department has in its possession evidence, such as video footage, that may show facts less favorable to the Department, it is unfair to give the public only one side of the story.

- The Common Council should also explicitly give the Police Chief (or their designee) the power to comment on individual cases of alleged misconduct by officers, and encourage the Chief to acknowledge apparent misconduct where he believes it exists.

Codify Core Principles

The Common Council should incorporate into the statutory and/or charter provisions governing the Police Department these core principles: trust and partnership (between police and community), transparency, accountability, guardian/protector mentality.

On July 5, 2020, the Board sent a second letter with additional policy recommendations. Those recommendations were as follows:

I. INVESTIGATIVE AND SUBPOENA POWER AND AUTHORIZATION FOR CPRB-INITIATED COMPLAINTS

Independent investigations and subpoena power: The CPRB seeks the ability to conduct investigations through an independent investigator and to be granted the ability to compel the testimony of Albany Police Department (APD) employees, victims and witnesses. Such power may be exercised independent of or concurrently with an OPS investigation or after the conclusion of an OPS investigation or further investigation. The CPRB rejects any limitation to the use of its powers that links such use to response to discontent with the OPS, Chief's or Mayor's investigation.

CPRB-initiated complaints: Currently, OPS is required to investigate all complaints, however, there may be certain issues or incidents with which the CPRB or a complainant may not want to involve OPS initially or at all. Presently, nothing in the City Code prohibits the CPRB from initiating a complaint, but it would be preferable (if only to avoid confusion) for the Code to explicitly recognize the CPRB's ability to initiate an investigation for such issues or incidents, to include, incidents captured on video or in images which are publicly shared or privately shared with a member or members of the CPRB or oral or written accounts shared with the CPRB or a member for purposes of initiating an investigation without a requirement that OPS investigate. This measure will serve to address concerns raised by community members regarding fear of interacting with or filing complaints with or about the police and also concerns regarding victims of police brutality in the form of sexual violence.

Accordingly, the Board proposes the following:

Add a New Definition to 42-333 for 'CPRB-Initiated Complaint' to Read as Follows:

CPRB-INITIATED COMPLAINT: A complaint filed by the CPRB, based on information which is given to, or otherwise obtained by, the CPRB, or one or more members thereof, in any form, including but not limited to, written, oral, video recording, or image, concerning police conduct which the giver of such information has requested be investigated by the CPRB without filing with the Albany Police Department or which the CPRB investigates without filing with the Albany Police Department.

Amend Section 42-341(d) to Add:

The fact that a CPRB member was involved the decision to file a CPRB-initiated complaint, or that a member received or possesses information relevant to a CPRB-initiated complaint, shall not require the recusal of any CPRB members from matters related to that complaint.

Amend Section 42-343(A) to Add:

The CPRB, at its sole discretion, may elect to conduct an investigation, concurrent with the Professional Standards investigation or at any point before or thereafter, of any complaint, including CPRB-Initiated Complaints, with the services of one or more independent outside

investigators. The CPRB may withhold any or all information about a CPRB-Initiated Complaint from the Albany Police Department and Professional Standards. The CPRB may issue subpoenas to call witnesses and require the production of documents for purposes of conducting any CPRB investigation.

II. AUTHORIZATION TO HIRE AND PROVISION OF FUNDING FOR INDEPENDENT FULL-TIME COUNSEL

We recommend amending the City Code to provide that the CPRB will hire at least one full-time attorney and requisite support staff to provide legal advice and representation for the Board. This is necessary to achieve true independence and cure the conflicts that currently exist for the Corporation Counsel. When necessary, and with CPRB approval, the CPRB's independent attorney would also be able to engage outside counsel when it is unable to represent the CPRB due to lack of expertise, capacity, or other reason. Such attorney could also file amicus briefs, where appropriate, on behalf of the CPRB with CPRB approval. The salary shall be competitive enough to attract candidates with five or more years of relevant experience. This measure will afford the CPRB further independence and address community and CPRB about the inherent conflict of interest in being represented by Corporation Counsel which also represents the City and the APD.

III. AUTHORIZATION TO HIRE AND PROVISION OF FUNDING FOR COMPLAINANT ADVOCATES

We recommend amending the City Code to provide that the CPRB will hire at least one full-time trained advocate who can assist complainants with the filing of a complaint or CPRB-initiated complaint, accompany complainants to interviews with Professional Standards, and provide other support to complainants and potential complainants. This measure serves to address community and CPRB concerns regarding uncertainty about filing complaints and community members' discomfort and fear throughout the investigation process.

Complaint Review

Under Section II, Subsection 1 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.

Altogether, the Board reviewed and made findings on 3 complaints containing allegations in the third quarter of 2020.

The Board reviewed no cases without making findings on them and did not return any cases to OPS for further investigation.

Complaint Summaries

The Board received 6 new complaints during the third quarter. There are 34 active complaints and 3 suspended complaints. "Active" means the complaints have not been returned to the Board from OPS for review or are still under review by the Board. Of the 34 active complaints, the Board reviewed 3 complaints, leaving 31 still awaiting review. Of the complaints still awaiting review, the Board was waiting for OPS's report on the remaining 31 complaints.

| CPRB Case No. | Case Synopsis | OPS Finding | CPRB Finding |
|--------------------------|--|---|---|
| <p>1. 06-2018</p> | <p>Complainant called police because of alleged issues she was having with a female rapper. Complainant alleges she was told there would be a police report and that she would hear back, but never did. Allegation(s): 1. Call Handling</p> | <p>1. Unfounded - where the review shows that the act or acts complained did not occur.</p> | <p>1. Vote deferred – where the Board delays or postpones a vote pending additional information or facts from OPS. Comments: Detective acknowledged OPS report was submitted in September 2018. However, the CPRB didn't receive it until November 2019. Multiple board members had issues with this. N. Vives' motion to defer voting until OPS provides the CPRB with information on the delay was passed.</p> |
| <p>2. 08-2018</p> | <p>The complainant alleged an officer came to her house and did nothing about a woman that she has an order of protection against. Allegation(s): 1. Call Handling</p> | <p>1. Unfounded - where the review shows that the act or acts complained did not occur.</p> | <p>1. Unfounded - where the review shows that the act or acts complained did not occur.</p> |
| <p>3. 05-2019</p> | <p>The complainant alleges officer damaged property when responding to a “hang up” 9-1-1 call with no one present in the home. Allegation(s) 1. Call Handling 2. Call Handling</p> | <p>1. Unfounded - where the review shows that the act or acts complained did not occur. 2. Unfounded - where the review shows that the act</p> | <p>1. Unfounded - where the review shows that the act or acts complained did not occur. 2. Unfounded - where the review shows that the act or acts</p> |

| | | or acts complained did not occur. | complained did not occur |
|--------------|--|--|--|
| 10-18 | <p>The complainant alleges that the officer stopped him for going the wrong way down a one-way street on a bicycle and suffered injuries from the encounter.</p> <ol style="list-style-type: none"> 1. Use of Force 2. Use of Force 3. Arrest Authority and Procedure 4. Call Handling 5. Call Handling | <ol style="list-style-type: none"> 1. Unfounded - where the review shows that the act or acts complained did not occur. 2. Exonerated - where the acts which provide the basis for the complaint occurred, but the review shows that such acts were proper. 3. Unfounded - where the review shows that the act or acts complained did not occur. 4. Exonerated - where the acts which provide the basis for the complaint occurred, but the review shows that such acts were proper. 5. Unfounded - where the review shows that the act or acts complained did not occur. | <ol style="list-style-type: none"> 1. Referred back to OPS - where the Board refers a case under review back to OPS to reexamine or investigate a particular issue or material fact(s). 2. Referred back to OPS - where the Board refers a case under review back to OPS to reexamine or investigate a particular issue or material fact(s). 3. Exonerate - where the acts which provide the basis for the complaint occurred, but the review shows that such acts were proper. 4. Not sustained - where the review fails to disclose sufficient facts to prove or disprove the allegation made in the complaint. 5. Referred back to OPS - where the |

| | | | |
|--|--|--|--|
| | | | Board refers a case under review back to OPS to reexamine or investigate a particular issue or material fact(s). |
|--|--|--|--|

The summaries provided are separate findings by the Office of Professional Standards and the Community Police Review Board following review and investigation of reported complaints:

CPRB # 06-2018

OPS Findings: OPS classified this allegation as “Call Handling,” OPS’s finding was **Unfounded**, meaning that the review shows that the act or acts complained did not occur. OPS stated as follows:

Police Officers conduct preliminary investigations when presented with allegations of criminal activity. Part of the investigation process involves the interviewing of persons and the collection of information in order to determine if the required elements of a crime exist or not. The officer must determine if the prosecutorial merit of the allegation is sufficient to substantiate the generation of a Police Crime Report. According to his IDC/BWC, the officer asked relevant questions in an attempt to establish the necessary elements for the complainant to file Criminal Contempt accusatory instrument (charge); the complainant was unable to provide the officer with any evidence that a violation of the Order of Protection had occurred that day. The complainant was looking for a report, however, there would need to be some sort of evidence to indicate something had occurred (example, if the woman had threatened the complainant, come onto the complainant’s property, called the complainant, or have someone harass the complainant on her behalf). The BWC indicated the woman did none of those things and was in a public place when the complainant saw her. Had there been enough evidence presented to him to qualify as “Criminal Contempt” he would have completed a Standard Incident Report. The woman according to APD’s database, resides on Clinton Av and therefore has a legitimate reason to be in the area.

CPRB Discussion: Vote deferred for OPS to determine the reason for the delay of when the complaint was filed and when a report was received by the Board.

CPRB # 08-2018

OPS categorized this allegation as “Call Handling,” and made a finding of Unfounded meaning that “the review shows that the act or acts complained did not occur or were misconstrued.”

CPRB Discussion: Upon review of multiple body worn camera recordings and police reports, L. Becker found the OPS report matched interdepartmental correspondence regarding the incident. He noted that APD had helped complainant file a police report against the subject of the OOP multiple times when there was enough evidence to do so, and explained to the complainant what evidence was needed to file a report. Additionally, that the officer was courteous and explained the level of evidence needed multiple times, and APD had responded to twenty-two separate calls from complainant regarding the subject of the OOP.

This case also had an unexplained delay between the recorded dates of OPS closing its investigation, and the CPRB receiving the results of that investigation.

CPRB Finding/Action: Board made a finding on the first allegation of “Call Handling,” of Unfounded, where the review shows that the act or acts complained did not occur.

CPRB # 10-2018 – Please note, there are two to three incidents totaling 5 allegations for this complaint.

OPS Findings: OPS categorized the first allegation as “Use of Force,” and made a finding of “Exonerated,” where the acts which provide the basis for the complaint occurred, but the review shows that such acts were proper.

OPS Findings: OPS categorized the second allegation as “Use of Force,” and made a finding of “Unfounded,” the review shows that the act or acts complained did not occur.”

OPS Findings: OPS categorized the third allegation as “Arrest Authority and Procedure,” and made a finding of “Unfounded,” the review shows that the act or acts complained did not occur.”

OPS Findings: OPS categorized the fourth allegation as “Call Handling,” and made a finding of “Unfounded,” the review shows that the act or acts complained did not occur.”

OPS Findings: OPS categorized the fifth allegation as “Call Handling,”

and made a finding of “Exonerated,” where the acts which provide the basis for the complaint occurred, but the review shows that such acts were proper.

CPRB Discussion: W. Hamilton asked whether the circumstances made it necessary or proper for officers to enter the window. Z. Garafalo said the Board could bring that question to OPS. Lt. Decker explained that because there was both a 911 call *and* the tripped alarm, that allowed the officers to enter. Also, that officers generally will try to do such things as call back the number that called 911, or look through windows, before entering the premises. Z. Garafalo also noted that there was a lengthy discussion amongst the responding officers before entry, including the fact that it was an elderly person inside the home.

N. Vives asked whether APD had notified the complainant about the entry, prior to the complaint being filed. Lt. Decker said that Detective Shane does not recall any such notification. L. Becker asked if there is a protocol for APD entering a home or business based on an alarm. Lt. Decker said that officers generally leave a referral card behind, but was unsure whether this is a general practice, or an actual mandated policy. Z. Garafalo noted that in the footage, none of the officers appeared to leave behind a card. N. Vives suggested the Board recommend a formal policy and process for when officers must enter a home or business, and the owner is not present or aware. Z. Garafalo noted that there is a requirement for officers to give their business cards for *in-person* interactions ([Albany City Code § 42-54.1](#)), but that there didn't seem to be a requirement for this type of situation. He suggested the Neighborhood Engagement Unit (NEU) officers should be involved in the notification process. M. Ingram noted that if a card had been left behind, the complaint may have been able to be avoided entirely, saving resources, time and energy from both OPS and the CPRB. V. Harden noted that part of the issue is that because there is distrust of police, it makes situations like these more stressful for citizens. Also, that the lack of a notification policy does not help build trust.

M. Ingram said this followed a pattern and related to a previous recommendation of the board: the vague categorization of calls/complaints by OPS makes the work of the CPRB unnecessarily difficult, and less efficient. This instance could have been codified as “unlawful entry” and “property destruction” instead of “call handling.”

N. Vives noted that if there *is* a preexisting policy that mandates officers must leave behind contact information when they enter a home/business and the owner isn't there, it would seem that the officers violated policy. There was discussion about the role of the board in initiating complaints. L. Becker noted that this followed a pattern and previous Board discussions: that complainants can't know all APD policy, so they may not be in the best position to complain, and the Board should take a more active role in addressing policy violations by officers.

Monitor clarifies that the use of force and original stop did not occur in the same place. Discrepancy about what was reported to monitor and what L. Becker observed in body cam footage - whether the officer pursued complainant into a crowd. Complainant provides details of complaint. I. Morris inquires about logistics of sending complaint back to OPS. R. Magee confirms unfounded findings go back to OPS and they have an opportunity to address the deficiencies that the Board brings up. V. Harden inquires about if the officer's disciplinary history was reviewed. L. Becker provides reported complaints for officer. V. Harden questions if there was video footage for when complainant was transported. L. Becker confirms that there is a lot of video footage. R. Magee clarifies that the Board has the option of determining if the investigation was insufficient and ask additional matters are looked into without making a determination and sending back to OPS. L. Becker suggests sending matter back to OPS as insufficient. Cdr. Battuello doesn't see any new information coming out of another investigation. Cdr. Battuello suggest that the matter be split into parts because they are isolated incidents. L. Becker suggests adjourning to discuss at the November board meeting. I. Morris seconds. Unanimous support in favor.

CPRB Finding/Action:

Board made a finding on the first allegation of "Arrest Authority and Procedure," of Exonerate, where the acts which provide the basis for the complaint occurred, but the review shows that such acts were proper.

Board made a finding on the second allegation of "Call Handling," of Not sustained, where the review fails to disclose sufficient facts to prove or disprove the allegation made in the complaint.

The board moved to send the entire file back to OPS as insufficient and did not make findings on the other allegations. *Case is currently under OPS review.*

Meetings

The Board met five times to conduct business in the third Quarter. Community Review Board Meetings are held at the Albany Community Development Agency, 200 Henry Johnson Blvd, Community Room, 2nd Floor, Albany, NY. Due to the ongoing COVID-19 Pandemic, meetings are being held over Zoom.

Meetings were held on June 11, June 18, June 25, July 2 and July 9, 2020. In an attempt to raise awareness and participation in the community, the CPRB collaborated 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.

The Board decided to have further discussions about policy recommendations by email, and if necessary, meet again before the next CPRB Meeting, scheduled for August 13, 2020.

Public Comment

The board met in June to discuss police reform. The purpose of the meeting was twofold, first, to give community members a voice to air their concerns and ideas concerning police reform. Second to discuss and inform both the public and board members on police reform proposals locally, statewide and across the country.

Conclusion

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,

Ava Ayers, Director
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: (Insert date)

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 Unity of the City of Albany Police Department

Definition of CPRB Findings

Section of 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] di not occur or were misconstrued.

(5) *Ineffective Policy or Training* – where the matter does not 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 complaint 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.

(8) *Vote deferred* – where the board moves to delay vote pending clarification or additional facts or information from OPS.