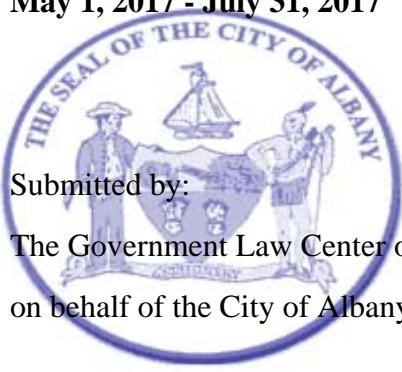


City of Albany

CITIZENS' POLICE REVIEW BOARD

Third Quarterly Report

May 1, 2017 - July 31, 2017



Submitted by:

The Government Law Center of Albany Law School

on behalf of the City of Albany Citizens' Police Review Board

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

May 1, 2017 - July 31, 2017

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 Third Quarterly Report so submitted for the year 2017.

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 third quarter of 2017:

Mickey Bradley	Zach Garafalo	Matt Ingram
Larry Becker, Esq.	Charles Goodbee, Sr.	Ivy Morris
Reverend Victor L. Collier	Michael A. Grady	Veneilya Harden

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

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

Vacancies and Re-Appointments

During the third quarter of 2017, the Board had one Common Council vacancy following member David Rozen's resignation effective March 1, 2017.

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. Eight complaints were presented and reviewed in the third quarter of 2017.

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

May 2017	Larry Becker, Mickey Bradley, Reverend Victor Collier, Charles Goodbee, Michael Grady, Ivy Morris, Veneilya Harden, Matt Ingram, Zach Garafalo
June 2017	Larry Becker, Mickey Bradley, Reverend Victor Collier, Charles Goodbee, Michael Grady, Ivy Morris, Veneilya Harden, Matt Ingram, Zach Garafalo\

July 2017

Larry Becker, Mickey Bradley, Reverend Victor Collier, Charles Goodbee, Michael Grady, Ivy Morris, Veneilya Harden, Matt Ingram, Zach Garafalo

COMPLAINT 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 third quarter of 2017, the Board received one new complaint in addition to its 5 active complaints and 2 suspended complaints. A monitor was appointed to investigate the 1 new complaint. Of the 8 complaints before the Board, the Board presented 0 complaints for the third quarter. Subsequently, participating in an annual CPRB retreat for Board members to provide continuous education and fellowship.

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 second quarter of 2008, then 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.

Summaries and Statistics

During the third quarter of 2017, the Board received 4 new Grievance Forms from OPS, in addition to its 588 Grievance Forms that were received since the inception of the Grievance Form process in 2008. Out of the 4 new Grievance Forms that were filed in the third quarter of 2017, there were no Citizen Complaint Forms filed. Of the 592 Grievance Forms received by the Board since 2008, 156 Complaint Forms were filed.

MEETINGS

The Board met as a whole one time. They conducted business in May and had a retreat in June of the third quarter of 2017. Meetings were held on May 12, 2017, and June 9, 2017. One of the meetings were held at the University at Albany Downtown Campus, in the Levitt Room in Milne Hall, 135 Washington Avenue, Albany, N.Y. The Retreat was held at Albany Law School Campus, 80 New Scotland Ave, Albany, NY.

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 third quarter which included: the Board meeting as a whole once and a Retreat for Board members to provide continuous education and fellowship. 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: 11/9/2017