



City of Albany Community Police Review Board

2021 4th Quarter Report

November 1, 2021 – January 31, 2022

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 the operations of the Community Police Review Board (CPRB) from November 2021 to January 31, 2022.

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

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

The legislation that established 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 fourth quarter of 2021:

1. Nairobi Vives, *Chair*;
2. Veneilya A. Harden, *Vice Chair*;
3. Paul Collins-Hackett, *Secretary*;
4. Kevin Cannizzaro;
5. Reverend Victor Collier;
6. Zach Garafalo;
7. Matthew Ingram;
8. John Levendosky and
9. Victor Person

As of January 31, 2022, there are no vacancies.

Complaint Review

The Board begins reviewing each case after it receives a “preliminary” report from the Albany Police Department’s Office of Professional Standards (OPS). The OPS report recounts the facts of the complaint, the facts revealed by OPS’s investigation, and OPS’s recommendations about the case. Each board member is entitled to view that report and the report prepared by any individual appointed by the Board as the observer, monitor or investigator. Board members are also entitled to question the investigator from the Office of Professional Standards who was principally responsible for preparing the preliminary report, as well as the individual appointed by the Board as an observer, monitor, or investigator. The Board also may request a fuller description of the matter contained in

the preliminary report and may ask such other questions that may enable them to vote on a fully informed basis. The Board then makes findings on each case, which are forwarded to the Complainant and the Albany Police Department (APD).

The Board reviewed and made findings on five complaints in the fourth quarter of 2021: CC2020-003, CC2019-007, CC2019-026, CC2019-032 and CC2020-016.

The Board brought one case to the Common Council for independent investigation during this quarter: CC2018-023.

Four cases are being considered for mediation in the fourth quarter.

The summaries provided are separate findings by the OPS and the CPRB following a review and investigation of reported complaints.

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OPS Case No.	Case Synopsis	OPS Finding	CPRB Finding
<p>1. CC2020-003</p>	<p>The Complainant alleges that on December 31, 2019 their son was tased while his hands were raised in the air and while he was on the ground. Complainant further indicates that the son was struck several times about his head and body. Complainant states that officers also "kneed" the son in the ribs multiple times while at least four police officers were "on top" of him.</p> <p>Allegation(s)</p> <ol style="list-style-type: none"> 1. Use of Force 2. Use of Force – Reporting Requirement 3. Prisoners – Injured (Failure to provide medical aid) 4. Conduct Standards 	<ol style="list-style-type: none"> 1. Use of Force – Exonerated - where the acts which prove the basis for the complaint occurred, but the review shows that the act or acts were proper. 2. Prisoners – Injured (Failure to provide medical aid) – Unfounded - where the review shows that the act or acts complained of did not occur or were misconstrued. 3. Conduct Standards – Sustained - where the review discloses sufficient facts to prove the allegations made in the complaint. 4. Use of Force – Reporting Requirement – Sustained – where review discloses sufficient facts to prove the allegations made in the complaint. 	<ol style="list-style-type: none"> 1. Use of Force – Exonerated - where the acts which prove the basis for the complaint occurred, but the review shows that the act or acts were proper. 2. Prisoners – Injured (Failure to provide medical aid) – Unfounded - where the review shows that the act or acts complained of did not occur or were misconstrued. 3. Conduct Standards – Sustained - where the review discloses sufficient facts to prove the allegations made in the complaint. 4. Use of Force – Reporting Requirement – Sustained – where review discloses sufficient facts to prove the allegations made in the complaint.
<p>2. CC2019-007</p>	<p>The Complainant alleged the Detective did not take their complaint seriously, failed to return phone calls and provide updates on the status of the case, and felt like they were treated like the criminal, not the victim.</p> <p>Allegation(s):</p> <ol style="list-style-type: none"> 1. Conduct Standards 2. Call Handling (2 cts) 	<ol style="list-style-type: none"> 5. Conduct Standards – Not Sustained – where review shows fails to disclose sufficient facts to prove or disprove the allegations made in the complaint. 6. Call Handling – Not Sustained – where review fails to disclose sufficient facts to prove or 	<ol style="list-style-type: none"> 1. Conduct Standards – Not Sustained – where review shows fails to disclose sufficient facts to prove or disprove the allegations made in the complaint. 2. Call Handling – Not Sustained – where review fails to disclose sufficient facts to prove or

		<p>disprove the allegations made in the complaint.</p> <p>7. Call Handling – Unfounded – where review shows that the act or acts complained did not occur or were misconstrued.</p>	<p>disprove the allegations made in the complaint.</p> <p>3. Call Handling – Unfounded – where review shows that the act or acts complained did not occur or were misconstrued.</p>
<p>3. CC2019-026</p>	<p>The Complainant alleged on September 8, 2019, a Detective threatened to “kick the shit” out of their oldest son for riding his dirt bike. Complainant also alleges that said Detective blocked the son from entering their home. The Complainant alleges she asked the Detective to leave multiple times, and he refused. Another neighbor then came out to physically remove him. The Albany County Sheriff’s Department was then called and responded to the scene.</p> <p>Allegation(s):</p> <ol style="list-style-type: none"> Off Duty Conduct (4 cts) 	<ol style="list-style-type: none"> Off Duty Conduct – Not Sustained – where review shows fails to disclose sufficient facts to prove or disprove the allegations made in the complaint. Off Duty Conduct – Not Sustained – where review shows fails to disclose sufficient facts to prove or disprove the allegations made in the complaint. Off Duty Conduct – Not Sustained – where review shows fails to disclose sufficient facts to prove or disprove the allegations made in the complaint. Off Duty Conduct – Not Sustained – where review shows fails to disclose sufficient facts to prove or disprove the allegations made in the complaint. 	<ol style="list-style-type: none"> Off Duty Conduct – Not Sustained – where review shows fails to disclose sufficient facts to prove or disprove the allegations made in the complaint. Off Duty Conduct – Not Sustained – where review shows fails to disclose sufficient facts to prove or disprove the allegations made in the complaint. Off Duty Conduct – Not Sustained – where review shows fails to disclose sufficient facts to prove or disprove the allegations made in the complaint. Off Duty Conduct – Not Sustained – where review shows fails to disclose sufficient facts to prove or disprove the allegations made in the complaint.

4. CC2019-032	<p>The Complainant alleged on December 13, 2019, they went to their child's school to pick up their son and were asked to show ID. The school staff then called for the School Resource Officer, who told the Complainant they had to go. The Complainant then alleges the officer pulled out their stun gun, which made them feel threatened.</p> <p>Allegation(s):</p> <ol style="list-style-type: none"> 1. Conduct Standards 	<ol style="list-style-type: none"> 1. Conduct Standards – No Finding – the officer is no longer employed by the City of Albany. 	<ol style="list-style-type: none"> 1. Conduct Standards – No Finding – the officer is no longer employed by the City of Albany.
5. CC2020-016	<p>The Complainant alleges that the officer towed their vehicle without any warning and showed them utter disrespect when asking him why he towed their vehicle. Also, the officer showed up not in a marked police unit but in what he believed was his vehicle.</p> <p>Allegation(s):</p> <ol style="list-style-type: none"> 1. Call Handling (2 cts) 	<ol style="list-style-type: none"> 1. Call Handling – Not Sustained – where the review fails to disclose sufficient facts to prove or disprove the allegation made in the complaint. 2. Call Handling – 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. 	<ol style="list-style-type: none"> 1. Call Handling – Not Sustained – where the review fails to disclose sufficient facts to prove or disprove the allegation made in the complaint. 2. Call Handling – 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.

Complaint Summaries

The Board received five new complaints during the fourth quarter: CC2020-003, CC2019-007, CC2019-026, CC2019-032 and CC2020-016. There are 46 active complaints. “Active” means the complaints have not been returned to the Board from OPS for review or are still under review by the Board.

The summaries provided are separate findings by the OPS and the CPRB following a review and investigation of reported complaints.

OPS #: CC2020-003

This case involves two counts of Use of Force allegations, one Conduct Standards allegation, and one Prisoner – Injured (Failure to Provide Medical Aid) allegation.

On the allegation of ‘Use of Force, OPS made a finding of Exonerated, where the acts which prove the basis for the complaint occurred, but the review shows that the act or acts were proper. OPS reported the following:

Based on the Complainant’s statements, actions (actively resisting arrest, attempting to evade by flight, disobeying verbal commands and visual characteristics of being armed (e.g. bulges, adjustment of clothing, “*security touches*” or “*clamping*”)) the officer’s use of force was reasonable, necessary and in compliance with this department’s policy.

On the allegation of the ‘Prisoners – Injured (Failure to Provide Medical Aid)’, OPS made a finding of Unfounded, where the review shows that the act or acts complained did not occur or were misconstrued. OPS reported the following:

The Complainant was placed into custody at 06:29:43 hours. Emergency medical services were requested at 06:29:56 hours. At 06:35:01 Sgt. Lewis again requests emergency medical services via police radio. Mohawk Ambulance arrives on the scene at 06:37:39 hours. Albany Fire Department arrives on the scene at 06:36:26 hours. At 06:51:51 hours complainant is transported to the Albany Medical Center directly from the scene via Mohawk Ambulance. Once at the Albany Medical Center, the Complainant was treated by nurses and a medical doctor.

CPRB Discussion:

Question: What does the process look like to change the General Orders that allow for the punching and kneeling of an individual who appears to be unconscious? If the department is interested taking steps to repair the relationship to make the affected parties whole?

Deputy Chief Battuello responds that our General Orders are currently being reviewed and updated since a couple of years ago. Right now, they are going through all of the orders with an outside consultant. This specific incident was reviewed in its entirety based on what was available: Officer testimony, video surveillance, and all of the individuals involved. There were noted policy violations

and recommendations to OPS. An RFP was put out for an outside consultant to review and draft General Orders.

Question: Is there a timeframe for when the General Orders will be completed and is it possible for members of CPRB to be involved in the process and provide feedback?

Deputy Chief Battuello responded that they do not have a timeline and they would like for the CPRB to be a part of that process. He would like individuals with knowledge and interest in this field to be a part of the process. There was an informal discussion about the Collaborative's role in this process, and they do not know when they are expected to start.

Matt Toporowski states that an RFP has been put out and they are waiting on a response. They are working on this internally in the Mayor's and Corporation Counsel's office. They are using the Collaborative's recommendations for the General Orders. They will use feedback from the Collaborative to revise the General Orders with the Deputy Chief and an outside consultant. They are starting the process pretty soon. Depending on when they get an outside contractor, they were hoping to get a draft by the end of the year.

Question: Vives asks if it is possible to take this complaint and use it as a case study to inform the General Orders?

Matt Toporowski states that he plans to take information and discussion from our meetings to the department to help inform the process.

Question: Cannizzaro asks if the department maintains a list of officers who have had this kind of violation more than once and how is that tracked?

Deputy Chief Battuello states they have software, supervisor initiated, that provides a report on each one of the employees.

Cannizzaro requests a copy of General Orders pertaining to excessive force and echoes Paul and Nairobi's comments about the collaboration between the CPRB and the group working on revising the General Orders.

Matt Toporowski adds that the Collaborative's report is complete and the work was exhaustive. If there are any comments on the section about the revision to the General Orders, they welcome that feedback.

CPRB Findings: The complaint was reviewed at the August 26th board meeting where the Board voted unanimously in favor of **"Exonerated"** finding for the first allegation of Use of Force; **"Unfounded"** finding for the allegation of Prisoners – Injured (Failure to provide medical aid); **"Sustained"** for the allegation of Conduct Standards; and **"Sustained"** for the second Use of Force – Reporting Requirement allegation.

Monitor's Findings: I watched all videos, and in slow motion. I watched the Complainant right before he was tased. At no time did I see the Complainant raise his hands like he was giving up. When he turns towards the Officer, it looks like he steps away to run again right before he is tased. Now in slow motion, you see this, but not at full speed. The Complainant put up quite a fight while

on the ground and would not reveal his hands to the officers and kept them hidden under his body. Why he did this is unknown.

I watched the video of the Sgt who stopped the Complainant. Very calm and easy-going conversation, but the Complainant does admit to smoking a joint of marijuana after he got off work. So, the Sgt calls the Drug Recognition Officer to check out the Complainant. This Officer arrives and also is very calm while talking to the Complainant. This Officer states to the Complainant the smell of weed is strong from his car and asks him to exit the vehicle. This Officer yells out "Don't" and reaches in to attempt to turn the vehicle off, but the Complainant took off. When you watch the video of the Complainant running, he does appear to have his hand in his pants or pants pocket, which puts the officers on high alert when suspects do this.

All the reports from the officers were consistent, and OPS did a good job of identifying each Officer in the area of this Complainant on this night. There is one report all should read, and that is the book in sheet filled out with questions to the Complainant. He is asked if he suffers from depression, and the answer is yes. He is then asked if he has ever been institutionalized for mental illness, and the answer is "yes, twice". When asked why, he stated there was a death in the family and it put him in deep depression. This might be the reason he is telling the police he just smoked a joint and then fled the scene and ran like he did. People under stress react very strange.

I agree with the OPS conclusion to this case.

OPS #: CC2019-007

This case involves two counts of Call Handling allegations and 1 Conduct Standards allegation:

On the 'Conduct Standards' allegation, OPS made a finding of Not Sustained, where review shows fails to disclose sufficient facts to prove or disprove the allegations made in the complaint. OPS reported the following:

The Complainant alleges, in the end, she felt like she was the criminal, not the victim. The Detective stated he has investigated the Complainant's complaint with the time and effort he would devote on any case. The case is also still ongoing and active.

On the first allegation of 'Call Handling,' OPS made a finding of Not sustained, where review fails to disclose sufficient facts to prove or disprove the allegation made in the complaint. OPS reported the following:

The Complainant alleges the Detective failed to return her phone calls and update her on the status of her case. The Detective stated he always returned the Complainant's calls.

On the second allegation of 'Call Handling,' OPS made a finding of Not sustained, where review fails to disclose sufficient facts to prove or disprove the allegation made in the complaint. OPS reported the following:

The Complainant alleges the Detective did not take her complaint seriously. The Detective stated he investigated the Complainant's complaint as he would anyone's complaint, and there is no indication the Detective did not take the Complainant's complaint seriously. The

case file contains 126 pages of documents pertaining to said investigation.

CPRB Discussion:

Question: Ingram requests Garafalo to clarify if the last finding is unfounded or not sustained.

Garafalo responds that he agrees with OPS findings of unfounded and modifies motion.

Becker requests monitor Lawrence's report.

Monitor Lawrence states that for the third allegation, the Complainant believes that on the date in question in 2017, she was administered a drink with a drug that left her unable to consent and unable to fully remember what occurred. She stated her memory was spotty. This goes to the difficulty in proof in terms of the investigation.

The targeted Officer did the interview in the presence of a lawyer, Person One, and Person Two. Person Two is the Complainant's estranged husband. Person Three is the owner of the property of where the incident occurred but had no firsthand knowledge of what occurred.

CPRB Findings: The complaint was reviewed at the September 9th Board meeting, where the Board voted unanimously in favor of "**Not sustained**" finding for the Conduct Standards allegation; "**Not sustained**" finding for the first allegation of Call Handling; "**Unfounded**" for the second allegation of Call Handling.

Monitor's Findings:

I find no deficiencies in the witnesses questioned, in the questions asked of them, or the documents or other evidence obtained. The investigation was thorough, competent, and professional.

OPS #: CC2019-026

This case involves four counts of Off Duty Conduct allegations:

On the first allegation of 'Off Duty Conduct,' OPS made a finding of Not Sustained, where the review failed to disclose sufficient facts to prove or disprove the allegation made in the complaint. OPS reported the following:

The Complainant alleges on September 8, 2019; a Detective threatened to "kick the shit" out of her oldest son for riding his dirt bike. Detective denies the said allegation.

On the second allegation of 'Off Duty Conduct,' OPS made a finding of Not Sustained, where the review failed to disclose sufficient facts to prove or disprove the allegation made in the complaint.

The Complainant alleges that the Detective blocked her son from entering their home. The Detective denies the said allegation.

On the third allegation of 'Off Duty Conduct,' OPS made a finding of Not Sustained, where the review fails to disclose sufficient facts to prove or disprove the allegation made in the complaint.

The Complainant alleges she asked the Detective to leave multiple times, and the Detective refused and that his wife and another neighbor had to pull him away. Both the Detective and the neighbor deny the said allegation.

On the fourth allegation of ‘Off Duty Conduct,’ OPS made a finding of Not sustained, where the review fails to disclose sufficient facts to prove or disprove the allegation made in the complaint.

The Complainant alleges the day before, the Detective stated to her son, “I’m sick of you, I’m going to rip your head off.” The Detective denies the said allegation.

Monitor’s Findings: No monitor was appointed to this complaint.

CPRB Discussion:

Question: Vives asks if the Complainant listed other witnesses besides her sons and the second Officer? Additionally, are APD Officers required to live in the City of Albany?

Ingram and Cdr. Battuello state that it is not a requirement for APD Officers to live in the City of Albany. Ingram states that no other witnesses were listed. Cdr. Battuello states the police and fire are exempt from the City of Albany residential requirements. The requirement has been released for new hires as well. Officers must live within Albany County or an adjacent county per NYS Civil Service laws.

Question: Becker asks about what efforts the investigating detective made to attempt to contact the complainant’s adult sons?

Ingram states that phone calls went unanswered. Detective Shane did talk to the Complainant, but he does not know if she was encouraged to have the sons get in contact with her. Detective Shane is not present during tonight’s case review.

Cdr. Laiacona states that in addition to Detective Shane calling the adult sons, she provided the complainant with her contact information to provide to them and they never reached out.

CPRB Finding: The complaint was reviewed at the September 9th Board meeting, where the Board voted unanimously in favor of “**Not Sustained**” finding first allegation of Off Duty Conduct; “**Not Sustained**” finding for the second allegation of Off Duty Conduct; “**Not sustained**” for the third allegation of Off Duty Conduct; and “**Not sustained**” for the fourth allegation of Off Duty Conduct.

OPS #: CC2019-032

This case involves a Conduct Standards allegation:

On the allegation of ‘Conduct Standards,’ OPS made a finding of: 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.

Monitor Findings: No monitor appointed to this complaint.

CPRB Discussion: No discussion.

CPRB Findings: The complaint was reviewed at the October Board meeting where the Board voted unanimously in favor of “**No Finding**” finding on first allegation of Call Handling and “**Unfounded**” finding for the fourth allegation of Call Handling.

OPS #: CC2020-016

This case involves two counts of Call Handling allegations:

On the first allegation of ‘Call Handling,’ OPS made a finding of Not Sustained, where the review fails to disclose sufficient facts to prove or disprove the allegation made in the complaint. OPS reported the following:

The Complainant never stated during our in person interview that Officer Singh ever used any abusive language, lost control of his temper, or engaged him any type of argumentative discussion about towing his vehicle. Officer Singh states he explained to the Complainant why their vehicle was being towed, and at no time did he ever raised his voice towards the Complainant.

On the second allegation of ‘Call Handling,’ OPS made a finding of 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. OPS reported the following:

The Complainant stated to the undersigned officer that Officer Singh showed up to the call in a black Jeep, but not a police vehicle. The Complainant further stated that when Officer Singh got out of the vehicle, he was in his official police uniform. Currently, there is no policy stating that a Neighborhood Engagement Unit Officer is not allowed to drive his or her vehicle to calls within their assigned beat areas while working.

Monitor Findings: No monitor was appointed to this complaint.

CPRB Discussion:

Ingram notes that there isn’t sufficient information one way or the other and encourages the Board to follow up on discussion about the Officer’s use of bodycam policy violations. Ingram also notes that the policy violation in this case is not in the Officer’s disciplinary history.

Cdr. Laiacona clarified when counseling is issued, they do not consider that discipline and it’s more of a training and advisement action. Counseling forms are removed from files after six months. Repeated violations rise to another level where it will not be removed from the file.

Matt Toporowski states that depending on how disciplinary matters are resolved, on the resolution there can be a stipulation where the Officer agrees to additional training, loss of time, or whatever the result may be removed from the file in six months.

Matt Toporowski explains the difference between the personnel file and the OPS case file.

Question: Vives asks where is the record for the first violation?

Cdr. Laiacona states that information remains in the case file, which will always contain all of the documents. The memos are removed from the Officer's personnel file.

Cdr. Laiacona confirms that the documentation is in the case file.

Question: Is it safe to assume that the incident was a first-time violation?

Cdr. Laiacona was unable to confirm this information. Most likely this was a first-time occurrence which would result in training.

Question: Collins-Hackett seeks clarification about the case file and personnel file and which one involves the removal of counseling memos in six months.

Cdr. Laiacona provides clarification of OPS policy and process confirming that documentation remains in the case file but is removed from the personnel record. Officer would not have been issued counseling if they have been counseled previously for the same issue.

Collins-Hackett wants to take into consideration of other incidents of misconduct to review along with the case file. Cdr. Laiacona states that they will have to review union contracts to confirm that they are able to share such information.

Question: Vives asks if there is a clear indication on the counseling memo that this is a first violation? Vives notes that members expect to review complete files when they conduct case review.

Cdr. Laiacona states that once they make a determination that a policy is violated, the case the is closed, counseling forms are issued, and then they go back up chain of command.

Question: Is there a process in place to notify members if the case file is awaiting additional documents?

Cdr. Laiacona responds that they generally only have members come in when the case file is complete.

Question: Garafalo asks if Neighborhood Engagement Unit officers are assigned patrol vehicles?

Cdr. Laiacona responds no, they have foot beats and are given bicycles. During the winter months, they can be assigned extra vehicles, if they are available. APD doesn't usually have vehicles to give them. Officers are allowed to use their personal vehicles to move to different locations throughout the city where they walk around and do their work.

CPRB Findings: The complaint was reviewed at the October board meeting. The CPRB voted unanimously in favor of “**No Finding**” finding on first allegation of Call Handling and “**Unfounded**” finding for the second allegation of Call Handling.

Meetings

The Community Police Review Board met three times, and the Executive and Outreach Committees met twice to conduct business in the Fourth Quarter. The Bylaws and Rules Committee met once to discuss policy recommendations at this time. Due to the on-going COVID-19 pandemic, two Community Police Review Board Meetings were held over Zoom. Meetings were held in August, September, and October. The August meeting was held at the Albany Community Development Agency. The Board meets on the second Thursday of every month, and encourages media and public participation at its meetings.

Conclusion

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

Respectfully submitted,

Leslie Stein, Director
Government Law Center of Albany Law School

Nairobi Vives, Chair
Approved by and submitted on behalf of the
City of Albany Community Police Review Board

Approved by the CPRB: July 14, 2022

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 in reaching a negotiated settlement of their differences.

OFFICER - Any sworn police officer of the City of Albany Police Department affected by a citizen complaint.

MONITOR – A qualified individual with an investigative background whom the Board appoints to objectively investigate a complaint that involves allegations of excessive use of force and/or a violation of the complainant’s civil rights.

OFFICE OF PROFESSIONAL STANDARDS (OPS) - The Professional Standards Unit of the City of Albany Police Department.
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:

SUSTAINED – where the review discloses sufficient facts to prove the allegations made in the complaint.

NOT SUSTAINED – where the review fails to disclose sufficient facts to prove or disprove the allegation made in the complaint.

EXONERATED – where the acts which provide the basis for the complaint occurred, but the review shows that such acts were proper.

UNFOUNDED – where the review shows that the act or acts complained [of] did not occur or were misconstrued.

INEFFECTIVE POLICY OR TRAINING – where the matter does not guilt or lack thereof, but rather ineffective departmental policy or training to address the situation.

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.

MEDIATION – where the complaint is resolved by mediation.

REFERRED BACK TO OPS FOR FURTHER INVESTIGATION – where the Board refers a case under review back to OPS to reexamine or investigate a particular issue or material fact(s).

DEFERRED VOTE – where the Board delays or postpones a vote pending additional information or facts from OPS.