



# City of Albany Community Police Review Board

*2022 1<sup>st</sup> 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 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, 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. The Mayor and the Common Council appoint the board members. In a unique arrangement, the Government Law Center at Albany Law School (GLC) 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](http://ecode360.com/7680044). More information on the Board can be found on its website, [albanycprb.org](http://albanycprb.org).

## Board Membership

The following members constituted the Board during the first quarter of 2022:

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

\*Mayoral appointee, John Levendosky replaced Larry Becker, whose term had ended.

## Meetings

The City of Albany Community Police Review Board (Board) met three times to conduct business in the First Quarter of 2022. The Board meets on the second Thursday of every month and encourages media and public participation at its meetings. Due to the ongoing COVID-19 pandemic, all public monthly meetings and committee meetings were held over Zoom.

The Bylaws and Rules Committee met to discuss policy recommendations. The Committee recommended an amendment to the Bylaws which creates a new Section V under Article III titled,

“Procedure for Initial Case review by Newly Appointed Members”. The Board approved the amendment to the Bylaws at its December meeting.

## **Community Outreach**

The Outreach Committee members attended the Black Expo and participated in a podcast roundtable conversation. The Committee also tabled at the City’s Conviction Sealing event on November 10<sup>th</sup>.

## **Proposition 7 – Local Law J**

Proposition 7 (Prop 7) also known as Local Law J of 2021 was supported unanimously by the Common Council and in November was overwhelmingly approved by voters, giving the Board authority to, among other things, conduct independent investigations into alleged incidents of police misconduct, have greater access to police audio and video recordings, and issue subpoenas. The CPRB joined meetings of a local advocacy group, Albany Justice Coalition, created for Local Law J and conducted phone banking and informed community events at which to table. The Board also participated in a press release and roundtable about Prop 7.

In accordance with Local Law J, the Sign Language Connection of the Center for Disability Rights sponsored sign language interpreters to allow CPRB meetings to be more accessible.

In November of 2021, a meeting with a representative from the Mayor’s Office, GLC leadership, Board members, and Corporation Counsel leadership was held to discuss Local Law J implementation. Local Law J provides that there shall be a separate appropriation to fund CPRB operations in an amount that is not less than one percent of the total proposed budget of the Albany Police Department.<sup>1</sup> At the meeting, Corporation Counsel elaborated on the City’s Request for Proposal (RFP) process, the timeline for that process, and discussed concerns raised by the GLC and CPRB regarding the practicality of that process for CPRB’s transition to exercising its expanded authority under Local Law J. It was Corporation Counsel Francini’s firm legal opinion that Local Law J required an RFP process to be completed before the CPRB could access its increased funding. It was also Corporation Counsel Francini’s position that Local Law J’s provision allowing the GLC’s contract to be “adjusted” during a transition period only authorized the renewal of the existing GLC contract with the City on the contract’s existing terms; only the effective dates could be changed. Accordingly, Corporation Counsel Francini rejected a GLC proposal to modify the existing GLC contract in a manner that would have allowed the CPRB to access its additional funds on January 1, 2022 via a modification to the GLC’s contract with the City. The GLC contract was modified only to extend the dates of the pre-existing agreement via a contract amendment dated December 21, 2021, but which was not executed by the City until January 3, 2022.

The City of Albany drafted, finalized, and issued (with the help of the GLC and the CPRB Executive Board) RFP 2022-04 Administrative Agency Services for the CPRB. The awardee of RFP 2022-04 was expected to assist the CPRB in navigating a critical moment in its history and be tasked with preparing

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<sup>1</sup> City Code § 42-334 requires that “upon submission to the Common Council, the annual proposed City of Albany operating budget shall include a separate appropriation to fund CPRB operations in an amount which is not less than one-percent of the total proposed budget of the Albany Police Department.” APD’s total 2022 budget was \$56,378,285 and the 2022 City Adopted Budget correspondingly increased the CPRB budget from \$250,000 to \$564,000. The City’s budget allocated CPRB’s entire budget as “contracted services.”

the CPRB to fulfill its new responsibilities. The RFP was issued on January 10, 2022 and initially gave bidders until February 18, 2022 to submit bids.

## **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 an observer, monitor, or investigator. Board members are also entitled to question the investigator from OPS 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 than that contained in the preliminary report and may ask 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.

The Board reviewed two complaints in the first quarter of 2022: CC2021-022, which the Board determined was outside its jurisdiction, and CC2018-013, on which the Board Chair tabled voting until several Board concerns about the case could be discussed with OPS.

The Board received five new complaints during the first quarter: CC2019-007, CC2019-026, CC2020-003, CC2019-032 and CC2020-016.

## **Conclusion**

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

Respectfully submitted,

Hon. Leslie E. Stein (Ret.)  
Government Law Center of Albany Law School

Nairobi Vives, Chair  
Approved by and submitted on behalf of the  
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.