



City of Albany
Community Police Review Board

2022 2nd Quarter Report

February 1, 2022 – April 30, 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 February 1, 2022 to April 30, 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. More information on the Board can be found on its website, 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

Meetings

The City of Albany Community Police Review Board (Board) met six times to conduct business in the second quarter of 2022. A new CPRB Program Manager, Michele Andre, was hired and started on April 25. Ms. Andre has a bachelor's and master's degree in Criminal Justice from the State University of New York at Albany and has over six years in public service, the majority of that time working in various offices for the City of Albany. She will help the Board fulfill its mission, including managing the board's work, processing complaints, overseeing student research, and participating in the community.

In a vote on nominations for public executive officers, Nairobi Vives was re-elected as Chair, Dr. Veneilya Harden was re-elected as Vice-Chair, and Paul Collins-Hackett was re-elected as Secretary by unanimous consent.

The Bylaws and Rules Committee met to review proposals written by students, Professor Ava Ayers, and Patrick Woods, Deputy Director of the Government Law Center at Albany Law School, which may help with the implementation of Local Law J. The Committee discussed potential options with regard to the disciplinary process and procedures for the CPRB and the legal effect of each potential disciplinary action, as well as how other municipalities structure police discipline.

A Special Meeting was held to address an officer-involved shooting that occurred on January 24, 2022. The Board voted to independently investigate the incident. This is the first investigation of an ongoing police matter under the new legislation, Local Law J.

An Executive Session meeting was held on March 08, 2022 to discuss funding from the City to pay fees submitted by investigators, in particular as they relate to the Jordan Young investigation. During the meeting, Assistant Albany Corporation Counsel Matt Toporowski reported that the City had received three proposals for RFP 2022-04.

Complaint Review

For complaints filed before the passage of Local Law J, 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 three complaints in the second quarter of 2022: CC2019-008, which the Board tabled in order to obtain OPS input, and CC2018-013 and CC2019-021, both of which were tabled until OPS could address several Board members' concerns.

The Board received one grievance.

The Board received ten new complaints during the first quarter: CC2022-012, CC2022-010, CC2022-009, CC2022-011, CC2022-008, CC2022-006, CC2022-007, CC2022-001, CC2022-002, CC2022-003 & CC2022-005.

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.