



# COMMUNITY POLICE REVIEW BOARD

---

Presentation to Common Council



# AGENDA

---

**ABOUT THE BOARD** Who we are & What we do

**CHANGES TO OUR WORK** Local Law J and its impact on our mandate

**PROGRESS UPDATE** Where we have been & What we have been doing

**AREAS OF FOCUS** Building stronger & Moving forward

**ENGAGING THE COMMON COUNCIL** Maintaining your support for the good of our communities



# ABOUT THE CPRB

---

## BACKGROUND

In November 2000, the City of Albany established the Community Police Review Board (CPRB/Board). This independent body is tasked with improving the relationship between the police department and the communities they serve by enhancing communication, increasing police accountability, and – in turn - credibility with the public, and creating a complaint review process that is free from bias and informed by actual police practice.

## OUR MISSION

The CPRB reviews complaints of misconduct committed by officers of the Albany Police Department (APD). CPRB's goals are to improve communication between APD and the community and increase police accountability and credibility with the community it serves.





# MEET THE BOARD

---



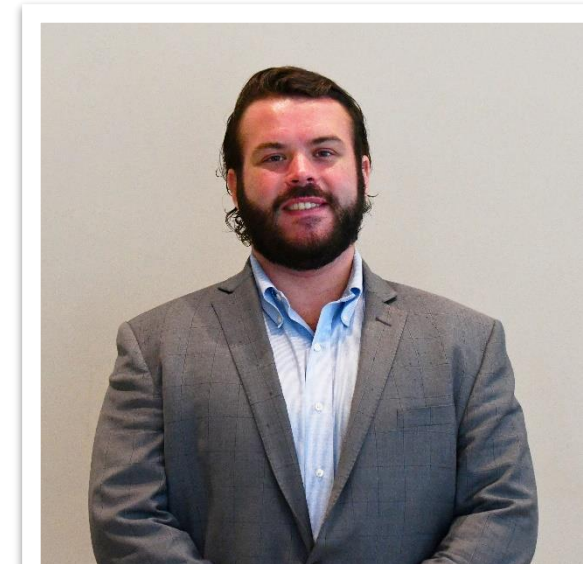
Nairobi Vives, Esq.  
Chair



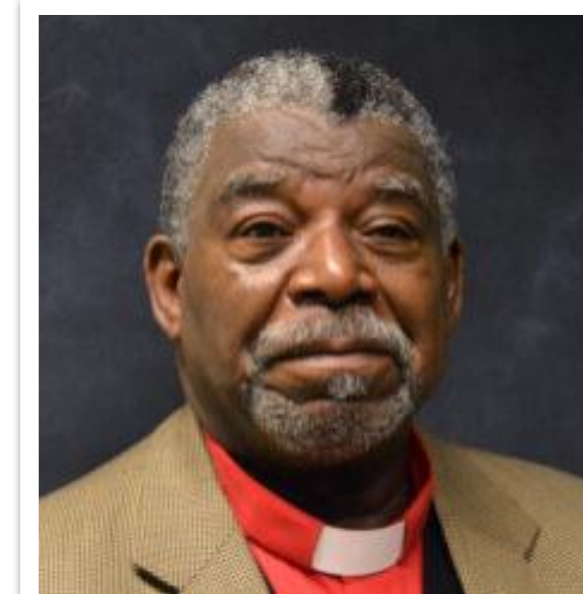
Dr. Veneilya Harden, Ed.D.  
Vice Chair



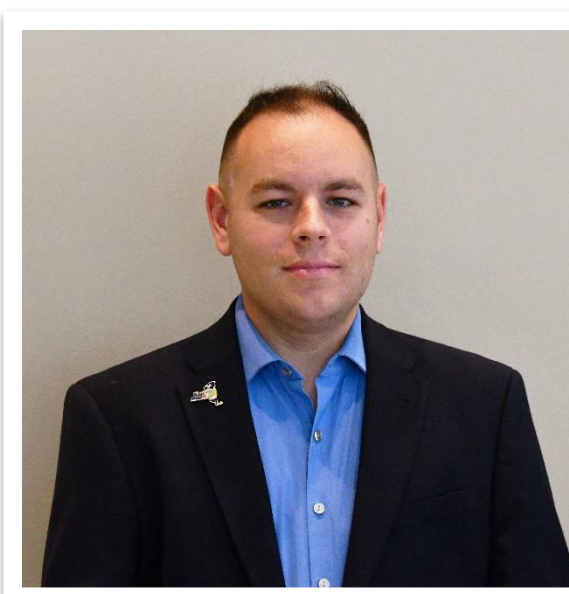
Paul Collins-Hackett  
Secretary



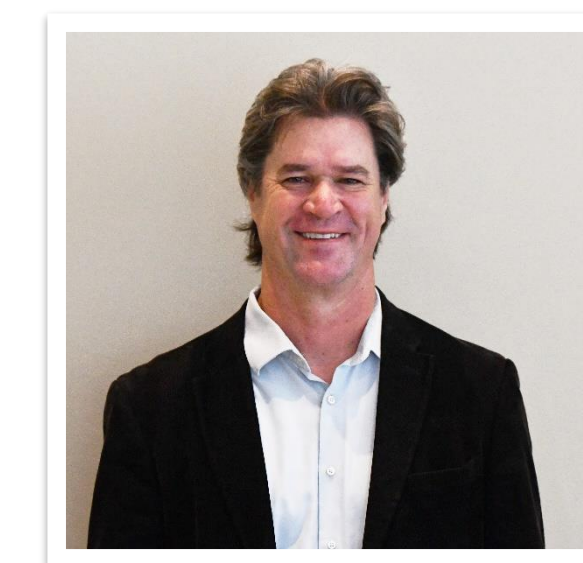
Kevin Cannizzaro, Esq.



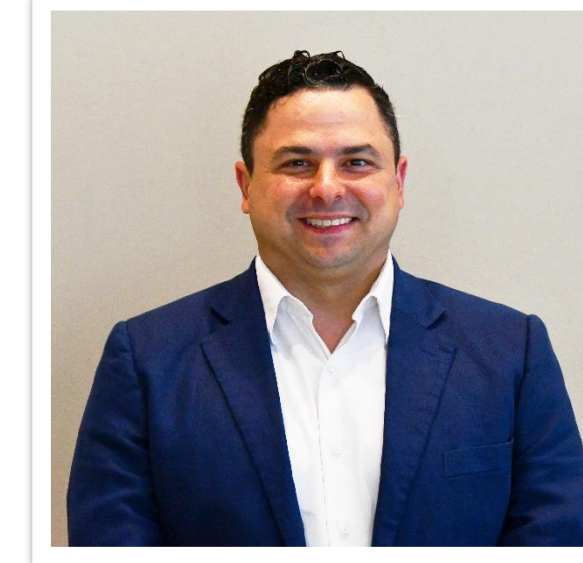
Reverend Dr. Victor Collier



Zach Garafalo



Matt Ingram, JD, PhD



John Levendosky



Victor Person





# STAFF

---



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 she has over six years in public service, the majority of that time working in various offices for the City of Albany (Corporation Counsel, Common Council, and Office of Audit and Control).

Ms. Andre is the sole staff person and manages the Board's entire remit of work including processing complaints, overseeing student research, and participating in community outreach and education.



# CURRENT RESPONSIBILITIES

---

CPRB's responsibilities include:

- Receiving and reviewing community complaints of police misconduct
- Reviewing any investigation conducted by APD's Office of Professional Services (OPS)
- Reviewing APD and OPS policy
- Developing a police disciplinary matrix
- Conducting independent investigations into alleged police misconduct

The Government Law Center (GLC) at Albany Law School provides substantial support services to assist the Board in its duties and day-to-day 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: <https://ecode360.com/7680044>.





# A CRITICAL DEVELOPMENT – LOCAL LAW J

---



This past year (2020 - 2021) marked an unprecedented period of police reform and oversight advocacy for the CPRB, culminating in the passage of Proposition 7 (Prop 7), also known as Local Law J, significantly clarifying and expanding the Board's authority.

The proposition was supported unanimously by the Common Council and on November 2, 2021 was overwhelmingly voted in by Albany residents, amending the Board's authority to conduct independent investigations into alleged incidents of police misconduct.





# IMPACT OF LOCAL LAW J

---

The new legislation, unanimously supported by the Common Council and overwhelmingly approved by voters, affirms the Board's authority and allows us to:

- Issue subpoenas along with increasing access to police audio and video recordings and other relevant evidence
- Receive quarterly reports from the Chief of Police on disciplinary investigations and action
- Perform audits assessing the investigation and adjudication of civilian complaints
- Have full access to information about any officer involved in the events that are the subject of a complaint
- Conduct independent investigations with subpoena power
- Establish a disciplinary matrix, in conjunction with the Chief
- Review and access APD policies, procedures, patterns, practices, and training and make recommendations to APD for improvement
- Provide language access for limited or non-English-proficient complainants and witnesses at all stages of the investigative and adjudicative process





# COMPLAINT REVIEW

---

**Before Local Law J:** CPRB begins reviewing each case after it receives a “preliminary” report from the Albany Police Department’s Office of Professional Standards (OPS).

**After Local Law J:** CPRB has the power to conduct independent investigations as it deems warranted, even in the absence of a complaint being filed with either OPS or CPRB.

Additionally, the new law offers a solid foundation for comprehensive oversight. For example, Local Law J provides the Board the authority to issue subpoenas to compel testimony and produce evidence. It also sets the foundation to allow the Board the authority to recommend discipline for officers if a complaint of misconduct is sustained.

With all that said, amendments are needed to properly implement these new rules.



# COMPLAINTS: BY THE NUMBERS

---

**107** Active complaints currently under investigation by the OPS

**24** New complaints received by the Board since January 1, 2022

**16** Complaints pending Board review

**4** Cases the Board has voted to independently investigate





# CITY OF ALBANY POLICING REFORM AND REINVENTION COLLABORATIVE

---



On June 12, 2020, Governor Andrew Cuomo signed an Executive Order requiring each local government to convene stakeholders for a fact-based dialogue about the public safety needs of their community and adopt a policing reform plan by April 1, 2021, or lose future state funding. In line with the directive from Governor Andrew Cuomo, Mayor Kathy Sheehan formed the City of Albany's Policing Reform and Reinvention Collaborative on August 13, 2020.

The purpose of the collaboration was to create a partnership with the community, police and stakeholders through shared decision-making, resources and responsibilities to reform policing.

Nairobi Vives, Esq., and Larry Becker, Esq., as members of the CPRB, participated in the Policing Reform and Reinvention Collaborative. The Board actively participated in the Policing Reform and Reinvention Collaborative and the city-wide conversation on police reform and continuously engaged and informed the community.





# COMMUNITY OUTREACH



- The Board held a Town Hall to discuss Proposition 7 – Local Law J
- The CPRB joined meetings, took part in phone banking efforts and tabled at events organized by a local advocacy group, Albany Justice Coalition, in an effort to educate and inform communities about Local Law J
- The Board put out a press release and held a roundtable discussion on the merits and impact of Local Law J
- The Board partnered with Youth FX to develop educational videos for the general public about the CPRB, its remit, role and responsibilities as well as how to file a complaint and answer general FAQs
- Outreach Committee members attended the Black Expo and participated in a podcast roundtable conversation
- The Committee also tabled at the Conviction Sealing event on November 10 and Alive at Five events
- Marched at Capital Pride Parade & Festival and Capital District African Heritage Parade
- Scheduled to table at Saturday, August 20, 2022, Unite the City – ALERT Partnership event





## ENGAGING OUTSIDE SUPPORT

---

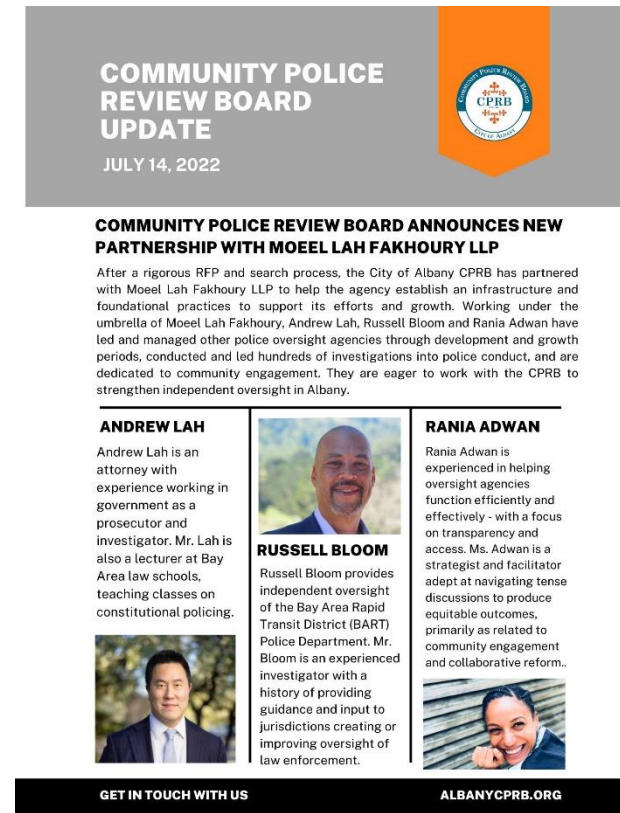
The City of Albany drafted, finalized, and issued (with the help of the GLC and the CPRB Executive Board) a RFP for Administrative Agency Services in support of the CPRB.

The awardee of the RFP was expected to assist the CPRB in navigating a critical moment in its history, tasked with preparing 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.



# CPRB's PARTNERSHIP WITH MOEEL LAH FAKHOURY LLP



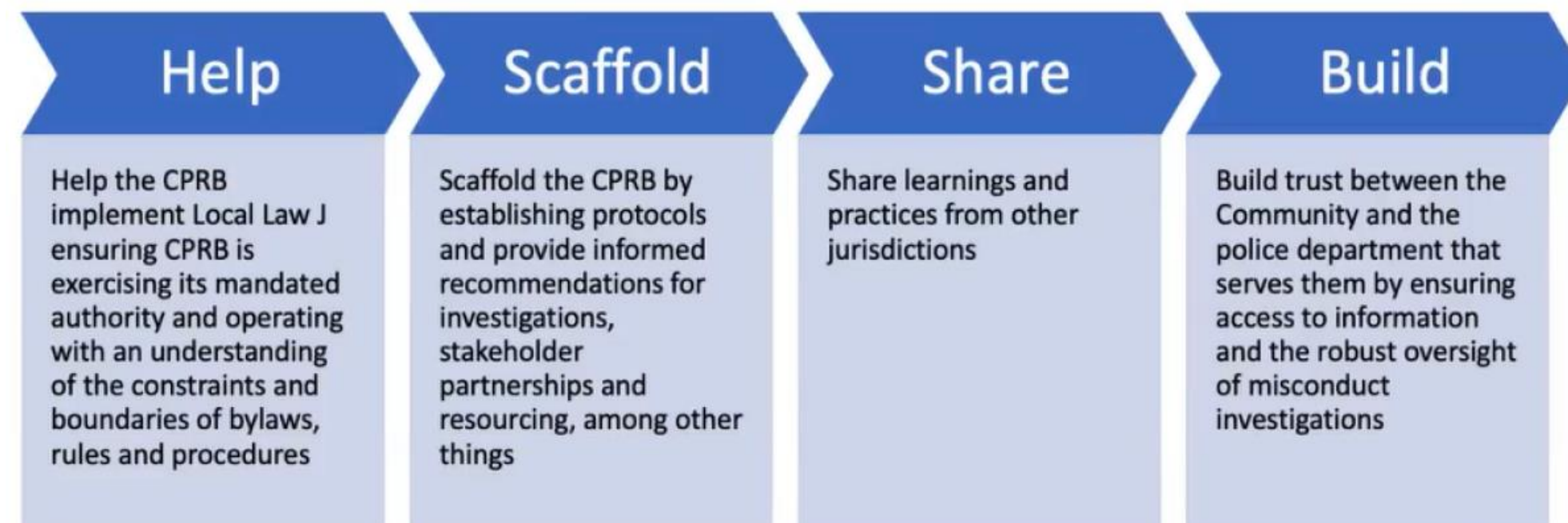
After a rigorous search process, the RFP was awarded to Moeel Lah Fakhoury LLP; specifically Andrew Lah, Russell Bloom, and Rania Adwan. The agreement was executed on June 13, 2022.

Mr. Lah, Mr. Bloom, and Ms. Adwan have led and managed other police oversight agencies through development and growth periods, conducted and led hundreds of investigations into police conduct, and are dedicated to community engagement.

For us, the three will help:

- Support the design of a strategic plan and restructuring the Agency to adhere to Local Law J
- Assist in the exercise of all of CPRB's new powers as contemplated by Local Law J
- Advise the nine-member CPRB body on the creation of the disciplinary matrix required by Local Law J, procedures and rules for the conduct of investigations
- Collect and organize stakeholder feedback on CPRB priorities, among other duties

## The Project: What We'll Do







# OTHER DEVELOPMENTS OF NOTE

---

- **Increased accessibility:** In accordance with Local Law J, the Sign Language Connection of the Center for Disability Rights sponsored sign language interpreters at CPRB meetings
- **Increased evidentiary intake:** Community members can now submit pictures and videos with their complaint form on our website
- **Increased engagement:** Community members can now leave public comment using the digital form on our website or provide written comments by email



# AREAS OF FOCUS

---

- Clarifying Local Law J
- Accessing electronic records remotely
- Preparing the budget
- Adjusting CPRB training requirements
- Restructuring the reporting calendar





# CLARIFYING LOCAL LAW J

---

To fully implement and integrate the spirit of Local Law J, we are recognizing the need for clarification and additional language around staffing and budget, the investigation and complaint review process, CPRB access to information, confidentiality, and the mediation process.

To remedy the shortfalls, the Board is considering:

- Adopting a new structure based on research and review of the efficacy of models in other jurisdictions, eventually developing an infrastructure that serves the community and the police officers that serve them (e.g., BART civilian oversight model (California), which separates staff for investigation and review)
- Requesting a budget untethered from APD (currently 1% of APDs budget) that sufficiently funds the Board's duties to comprehensively meet our mandate to resolve all complaints by conducting fair, thorough, and independent investigations into police misconduct
- Clarifying and cementing the Board's access to information, including making CPRB the final decision-maker in disputes over whether the information is confidential
- Empowering the Board's Chair, rather than the entire Board, to decide whether mediation is appropriate



## REMOTE ELECTRONIC RECORD ACCESS

---

Local Law J provides the CPRB full access to information about any officer involved in the events that are the subject of a complaint, including information about prior complaints involving that officer and any action taken in response to those complaints.

Board members have not been able to have full access to police records related to alleged misconduct or formal complaints outside of OPS office hours.

Since February 2022, we have been working towards finalizing the Confidentiality Agreement with APD for remote electronic record access. The Board is advocating for access to case reviews outside of standard office hours, allowing the civilian volunteers flexibility in establishing and maintaining an impartial and independent oversight model. Absent agreement on this matter, the Board will seek endorsement of its authority via an amendment to Local Law J.





# CPRB 2022 ADOPTED BUDGET

A.3010	Citizens' Police Review Board	-	-	564,000	-	-	-	564,000
--------	-------------------------------	---	---	---------	---	---	---	---------

## POLICE REVIEW BOARD

### ■ COMMUNITY POLICE REVIEW BOARD

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. The Board may also 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 nine board members are appointed by the Mayor and the Common Council.

	2020 Actuals	2021 Adopted Budget	2021 Amended Budget	2022 Adopted Budget
Dept. 3010 - CITIZENS' POLICE REVIEW BOARD				
40 CONTRACTUAL EXPENDITURES				
7440 Contracted Services	255,821	250,000	250,000	564,000
Category Totals:	255,821	250,000	250,000	564,000
Department Totals:	255,821	250,000	250,000	564,000

Local Law J delineates 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.

With 2022 APD's total budget of **\$56,378,285**, the 2022 City Adopted Budget increases the CPRB budget from **\$250,000** to **\$564,000**, to cover much needed expenses including resourcing (staff and independent investigators), Board and staff training and development programs, and general office maintenance for the running of a fully efficient and effective oversight body.



## DELAYS WITH ACCESSING CPRB BUDGET

---

The CPRB did not have access to all of its funds until **July 21, 2022**, which delayed the CPRB implementation of Local Law J.

Corporation Counsel's initial legal interpretation of Local Law J initially prohibited CPRB from accessing any funds in its budget beyond the continuation of the GLC's contract with the City on its original terms until after the RFP process was complete. The GLC contract was initially modified only to extend the dates of the pre-existing agreement via a contract amendment.

A proposal by the GLC would have allowed the CPRB access its additional funds on **January 1, 2022**, via a modification to the GLC's contract with the City, was initially rejected by the Corporation Counsel. After the RFP process was completed, the Corporation Counsel agreed to a similar modification, fully executed **July 21, 2022**, less the value of the contract awarded via the RFP process.





# CPRB TRAINING REQUIREMENTS

---

## **CURRENT REQUIREMENT**

Albany Code § 42-339 requires Board Members to graduate from the Albany Police Department's Community Police Academy.

The curriculum includes training in public record concerns, internal affairs investigations, confidentiality issues and liability statutes; training in police procedures; participation in ride-alongs; defensive tactics training; firearms familiarization; and emergency vehicle operations) within six months of the start of the member's term is required.

## **IDEAL APPROACH**

The Board would like to move to design training modules for its members outside of APD and in accordance to guidelines set out by the National Association for Civilian Oversight of Law Enforcement (NACOLE).

NACOLE recommended trainings in civilian oversight of law enforcement covers issues like: legal considerations in oversight and police accountability, collaborating with local Law enforcement agencies and board procedures.



## WHY A PROPERLY FUNDED & RESOURCED CPRB MATTERS

---

Since 2015, the **City of Albany has paid over \$1,023,000 in legal settlements** for incidents of police misconduct (not including settlements paid using Bonds, or loans taken out due to the settlement amount).

In response to the First Street incident, City Auditor Applys noted that “The financial impact of police misconduct on cities and taxpayers is great especially for a city that is fiscally stressed.”

Empowered by Local Law J, a **well resourced and well-funded** CPRB can support the City and the Department in delivering sustainable policing reforms that shift officers from a warrior to a guardian mentality while providing the fair and equitable oversight demanded by our communities. In so doing, we can spare the City’s budget by ensuring clear guidance and expectation on modern policing.

The CPRB asked that the City provide the Board with sufficient funding to perform all its duties, resolve all complaints and conduct an independent investigation; **\$564,000 is not enough to fulfill these duties efficiently and effectively.**

According to the national reform group Campaign Zero, we need about **\$1 for every \$20** the City spends on policing to conduct police oversight effectively. With APD's total budget of \$56,378,285, the CPRB annual budget should be at least **\$2,818,900.**

Investment in the CPRB may save the city money by reducing spending on policing-related lawsuits and protests.

To effectively undertake its mandate and address the concerns of the City and the communities that voted to approve the referendum for greater police oversight and accountability, the CPRB will need to:

- **Expand its staffing** beyond a single dedicated Program Manager
- **Engage trained investigators** for thorough and objective investigation
- **Enhance community outreach efforts** and engage community to measure success





# CPRB REPORT REQUIREMENT

---

As required by § 42-340(c) of the City Code, the CPRB submitted and filed with the Mayor, the Common Council, and the Chief of Police four quarterly reports and one annual report.

The CPRB has limited staff (currently just one Program Manager) to handle all matters relating to the CPRB, and five reports a year — on top of our critical responsibilities — have proven challenging to manage.

To alleviate this administrative burden, the Board is requesting an amendment to § 42-340 of the code of the City of Albany in relation to:

- The deadline for the CPRB's annual report;
- Amending the annual report period to that of the traditional timeframe; and
- Removing the quarterly reporting requirements



# ENGAGING THE COMMON COUNCIL

---

The Common Council can help empower the CPRB to address community calls for oversight and support the APD's transformation from a warrior to a guardian mentality in the following ways:

- 1) Pass legislation **clarifying Local Law J**
- 2) Support our advocacy of the Mayor's office to **untether CPRB Budget from APD's budget** allowing us flexibility to sufficiently fund our office and work and ensure the optimum functioning of this oversight body
- 3) Change legislation to **amend the annual reporting requirements** to something more manageable given our vast remit and limited resourcing
- 4) Push for additional clarity in a next iteration of Local Law J authorizing the CPRB **unfettered and full access to inspect/audit police records** related to alleged misconduct or formal complaints
- 5) Help lobby and pass legislation for an **annual stipend for Board members**, similar to other City Boards and Commission (as an example, the Planning Board members receive an annual stipend of \$2,771, while the Board of Zoning Appeals receives \$1,714)
- 6) Authorize CPRB to **express a judgment about the appropriateness of disciplinary action** prior to the imposition of discipline
- 7) **Commit to regular racial-bias audit** (at least once every five (5) years) to track progress in diversity, equity, and the demonstration of a fair and just public safety landscape





---

“The Board takes pride in what it has accomplished but understands that effective implementation of police oversight is an iterative process that requires continuous evaluation and work. We eagerly embrace the challenge.”

- Nairobi Vives, Chair



# CONTACT US

---

**City of Albany Community Police Review Board  
c/o Government Law Center, Albany Law School**

2000 Building, Room 315

80 New Scotland Avenue

Albany, NY 12208

518-445-2383

[cprb@albanylaw.edu](mailto:cprb@albanylaw.edu)

<https://www.albanycprb.org>

**Follow us: <https://www.facebook.com/AlbanyCPRB>**



# Questions?

---