



**CITY OF ALBANY
COMMUNITY POLICE REVIEW BOARD**
c/o GOVERNMENT LAW CENTER
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August 22, 2022

Albany Common Council
Albany City Hall
24 Eagle Street, Room 206
Albany, NY 12207

Re: 2022 Recommendations for Policy Reforms

Dear Members of the Common Council:

As you know, the Albany Community Police Review Board has been working with the Government Law Center and Moel Lah Fakhoury LLP to develop suggestions for the cleanup and revision of Local Law J. The intent of these proposals will be to ensure that the Board is fully able to play the role that community members envisioned when they voted in the referendum that granted the Board significant new powers. As Chair of the Albany Community Police Review Board, I respectfully submit this letter to offer preliminary suggestions as to the nature of the legislative amendments that will be necessary. We plan to follow up with more detailed suggestions for legislative language.

Staffing and Support

The Board cannot be effective unless it is adequately and independently staffed. The Board will need staff in at least two categories: its investigation function and its review function. The investigation function will involve gathering facts about each complaint it investigates and performing an initial review of how those facts implicate existing laws and policies. The review function will involve assisting Board members

in assessing the investigators' facts and research to determine what findings should be made.

The Board's staff should be overseen by an Executive Director, who serves at the pleasure of the Board.

The Investigative and Complaint-Review Processes

We will recommend that the Common Council clarify several aspects of the investigative process:

- The CPRB should have the same access to APD information about an incident regardless of whether a community member has filed a complaint or the Board has decided to commence its own independent investigation.
- Parallel investigations: to help avoid the practical complications involved in parallel investigations (e.g., multiple interviews of the same witness), OPS should be given the authority to choose to stand down once the Board decides to investigate a complaint.
- Officers who are the subject of complaints must be given due-process protections, including a right to written notice of specific findings and proposed penalties; the right to have the notice of proposed discipline forwarded to the union; and the right to other protections provided by the relevant collective-bargaining agreement.
- To ensure that the intent of Local Law J is realized, we recommend the Common Council make clear that the Chief must implement the Board's decision unless the officer exercises their due-process right to challenge it first.

Access to Information

We recommend that the Common Council clarify the following issues regarding information and investigations:

- The Board should have unfettered access to the full investigative file to the same extent that Office of Professional Standards (OPS) or the Chief has access to it.
- It constitutes misconduct for any APD employee to fail to cooperate with a CPRB investigation.
- The Board should be the final decision-maker in the event of a dispute as to what information counts as confidential or otherwise protected against disclosure.

Thank you for your attention to the letter. We plan to follow up with more detailed suggestions for legislative language.

Respectfully yours,



Nairobi Vives, Chair
Community Police Review Board