



**CITY OF ALBANY**  
**COMMUNITY POLICE REVIEW BOARD**

*2021 Annual Report*

*November 1, 2020 – October 31, 2021*

*Submitted to:*

*Mayor of the City of Albany*

*Common Council of the City of Albany*

*Police Chief of the City of Albany*

---

# TABLE OF CONTENTS

<b>BACKGROUND</b> .....	<b>3</b>
<b>LETTER FROM THE CHAIR</b> .....	<b>4</b>
<b>EXECUTIVE SUMMARY</b> .....	<b>5</b>
<i>Complaints and Investigations</i> .....	5
<i>City of Albany Policing Reform and Reinvention Collaborative</i> .....	5
<i>Albany Police Department Community Police Academy</i> .....	6
<i>Racial Bias Audit of the Albany Police Department</i> .....	6
<i>Proposition 7 – Local Law J</i> .....	7
<i>Outreach</i> .....	7
<i>Board Meetings</i> .....	7
<b>MEET THE BOARD</b> .....	<b>8</b>
<i>Common Council Appointees</i> .....	8
<i>Mayoral Appointees</i> .....	8
<b>OVERVIEW OF COMPLAINT PROCESS PRIOR TO LOCAL LAW J</b> .....	<b>9</b>
<b>COMPLAINT ACTIVITY</b> .....	<b>10</b>
<i>CPRB Complaints Received and Reviewed</i> .....	10
<i>Race/Ethnicity and Gender of Complainants</i> .....	11
<i>Race/Ethnicity and Gender of Officers</i> .....	12
<i>Allegations Contained in the Complaints</i> .....	12
<i>Findings</i> .....	14
<i>Suspension of Review</i> .....	15
<i>Further Investigation/ Board Action</i> .....	16
<i>Remote Electronic Record Access for Complaint Review</i> .....	16
<i>Monitors</i> .....	16
<i>Mediation</i> .....	16
<i>Grievances</i> .....	16
<b>POLICY RECOMMENDATIONS</b> .....	<b>17</b>
<b>REPORTS</b> .....	<b>18</b>
<b>APPENDIX A: BOARD MEMBER BIOGRAPHIES</b> .....	<b>19</b>
<i>Outgoing Board Members</i> .....	22
<b>APPENDIX B: DEFINITIONS</b> .....	<b>23</b>

---

## BACKGROUND

---

This is the Community Police Review Board (Board/CPRB)'s twenty-first annual report.<sup>1</sup> It covers the Board's operations from November 1, 2020, to October 31, 2021.

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).

---

<sup>1</sup> City Code § 42-340 requires that the Government Law Center, on behalf of the Board, "file annual reports with the Common Council and the Mayor, which contain statistics and summaries of complaints, including a comparison of the Board's findings with the final determinations of the Police Department."

## LETTER FROM THE CHAIR

---



Dear City of Albany,

The 2020-2021 year marked an unprecedented period of police reform and oversight advocacy for the CPRB which culminated with the passage of Proposition 7, significantly clarifying the Board's authority. During this period, the Board submitted the final of its trio of policy recommendation letters to the Common Council setting forth proposed changes to the City Code which served as the foundation for Local Law J. Additionally, members of the Board had the privilege of taking part in the city-wide effort to support the Policing Reform and Reinvention Collaborative, a conversation on police reform. However, it was with a heavy heart that this Board also had to demand corrective action for the racist and incendiary remarks of a long-tenured Albany Police Department officer.

This period was also one of the internal transitions for the Board. We welcomed four new members and had two outgoing members, including the former Chair. Under new leadership, the Board continued its work and began planning for its new powers. We formed relationships with civilian police oversight groups from other cities and partnered with community stakeholders to conduct outreach.

Additionally, we evaluated our staffing needs and efficiencies that could streamline our work. One such efficiency, relating to reporting, would require a change to the City Code. The CPRB has limited staff (one Program Manager) to support the efficacy of this critical oversight body. Five annual reports have proven to be challenging to manage. Our goal is to change the deadline of the annual report to a date that is harmonious and consistent with a traditional annual report period and ensure the consistent delivery of the report to the Albany Common Council, Mayor of the City of Albany and Chief of Albany Police Department.

As such, the Board is requesting an amendment to § 42-340 of the code of the City of Albany in relation to:

- 1) the deadline for the CPRB's annual report;
- 2) amending the annual report period to that of the traditional timeframe; and
- 3) removing the quarterly reporting requirements.

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.

We appreciate your continued support.

Sincerely,

A handwritten signature in black ink that reads "Nairobi Vives". The signature is written in a cursive, flowing style.

Nairobi Vives, Esq.  
Chair, Community Police Review Board

## **EXECUTIVE SUMMARY**

---

During the reporting period, the Board re-elected and elected new Board officers; elected chairs and members for its committees and task force; continued to work collaboratively with the Albany Police Department (APD) towards the enactment of a mediation program; revisited its outreach practices and complaint forms; served as guest lecturers to community-based organizations and tabled at local events; reviewed complaints and closed a total of 12 of its active complaints; held 12 regular monthly meetings and one Town Hall meeting; held several committee/task force meetings; reviewed and approved four quarterly reports and one annual report; and participated in meetings with the APD Command Staff, the Office of Professional Standards (OPS), the Albany Common Council's Public Safety Committee, and City officials.

The Albany Community Police Review Board has remained dedicated to improving communication between the City of Albany Police Department and the community, increasing police accountability and credibility with the public, and building upon and maintaining a complaint review process that is credible, impartial, and fair to all.

### **Complaints and Investigations**

There were 50 active cases (also referred to as complaints) at the start of the reporting period. An 'active case' is a newly filed complaint awaiting review by either an OPS investigator or a member of the CPRB, except those cases that were suspended because of pending litigation.

Between November 1, 2020, and October 31, 2021, the Board received 24 new complaints. Complaints received include those filed with the Board directly and those filed with the Board through OPS.

By the end of the reporting period, there were 64 active complaints.

### **City of Albany Policing Reform and Reinvention Collaborative**

In the wake of mass protests for police reform following the killing of George Floyd and Breonna Taylor, among other men and women of color, Governor Andrew Cuomo signed an Executive Order on June 12, 2020, 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 Cuomo, Mayor Kathy Sheehan formed the City of Albany's Policing Reform and Reinvention Collaborative on August 13, 2020. The purpose of the Collaborative was to create a partnership with the community, police and stakeholders to reform policing through shared decision-making, resources and responsibilities. Nairobi Vives, Esq., and Larry Becker, Esq., as members of the CPRB, participated in the Collaborative.

Chair Vives participated in the Policies, Standard Operating Procedures, and General Orders working group, which provided recommendations to ensure that policies are up-to-date, clear, consistent, and written in a way that eliminates the potential for racial bias, both implicit and explicit, with respect to the application of those policies. The working group identified and discussed a number of challenges

in the broader context of reviewing policies/general orders and the adoption and implementation of the proposed recommendations.

Mr. Becker participated in the Civilian Oversight Working Group tasked with examining questions related to transparency and accountability. The working group developed recommendations for implementing policing-related practices that are inclusive of community/stakeholder input and demonstrative of key tenets including robust oversight, transparency, and accountability. The working group recommended that information be made readily available to the public and that all transparency resources and accountability procedures be designed and conducted with an awareness that people who participate in them may be experiencing the effects of trauma.

On February 1, 2021, the findings and recommendations of the Policing Reform and Reinvention Collaborative working groups were presented to the City of Albany's Common Council.

### **Albany Police Department Community Police Academy**

On April 14, 2021, CPRB Chair Vives, Board Member Victor Person, and then-Program Manager Melody Harkness attended a session of the Albany Police Department Community Police Academy (CPA), where an Albany Police Detective made several racist and disparaging remarks about the black community during a presentation intended to share the principles of policing.

When the Chair reported the incident to the rest of the CPRB, she learned that the same officer had made similar comments in a CPA class four years prior to this incident and that another Board Member had formally complained about him following that incident.

Despite the display of racist sentiments and the concerns of CPRB members working earnestly to rebuild trust between APD and the communities they serve, APD continued to employ this Detective, allowing him to collect and handle evidence and disseminate his views to the public while representing APD. Concerns over "racist myths" being perpetuated by an Albany Police detective prompted Chair Vives to address a letter to the Common Council asking them to intervene and calling for an amendment to the City Code to delete the requirement that CPRB members attend the CPA.<sup>2</sup>

No board member completed the CPA in 2021.

### **Racial Bias Audit of the Albany Police Department**

In partnership with CNA Corporation, the City of Albany's Office of Audit and Control conducted a racial bias audit of the APD. The audit examined APD's internal operations, policies and procedures to detect the presence of disparities based on implicit racial biases. The audit report highlights 62 findings with accompanying recommendations based on policy review, a review of data, interviews with police personnel and community members, and a review of previously proposed reforms. One of the Racial Bias Audit recommendations is that the City of Albany review the roles, responsibilities, and authority of the CPRB, including considering the implementation of independent investigative authority and associated powers.

---

<sup>2</sup> Albany Code § 42-339 says the following: "[G]raduation from the Albany Police Department's Community Police Academy (the curriculum of which shall include training in the laws applicable to 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."

### **Proposition 7 – Local Law J**

Local Law J of 2021 *As Amended* (also known as Local Law J / Proposition 7) was passed at a meeting of the Albany Common Council on March 1, 2021. On November 2, 2021, Proposition 7 passed by public referendum, expanding the power of the CPRB by increasing its authority and ability to conduct investigations with subpoena power and to exercise oversight, review, and resolve community complaints alleging abuse of police authority. The Board also participated in a press release and roundtable about Local Law J after its passage.

This is a strong message sent by Albany residents and the Common Council, and a clear call to other City leaders to support the transformation and reform of the APD. The goal of Local Law J was to empower a community-led body to establish and develop clear accountability and oversight, in an effort to rebuild the eroded relationships between the police and the communities they are committed to protect and serve.

### **Outreach**

In an effort to ensure that the general public has a broad and comprehensive understanding of the City of Albany's oversight and accountability efforts, the Board partnered with Youth FX to develop educational videos about the Board, what it does, how to file a complaint, and to answer general FAQs about the CPRB.

The Board held a Town Hall meeting to discuss Local Law J. The CPRB joined meetings of Albany Justice Coalition, a local advocacy group created for Local Law J, conducted phone banking, and tabled at community events.

The Board continues its outreach efforts and includes feedback from community members in its meetings, via public comment.

### **Board Meetings**

CPRB's monthly meetings provide a platform for community members to learn more about police accountability and the Board's scope and priorities. Board members also use the meetings to review complaints, ask questions, and share concerns about police-community relations in Albany neighborhoods.

The Board held 13 public meetings throughout the period covered by this report, including 12 regular monthly public Board meetings and one Town Hall meeting. Public monthly meetings were devoted primarily to reviewing complaints and discussing committee activities. There was a public comment period held at each of the monthly meetings, in accordance with the Open Meetings Law.

## **MEET THE BOARD**

---

The Board is comprised of nine members, five appointed by the Common Council and four appointed by the Mayor, who serve for three-year staggered terms.

The following members constituted the Board during the period covered by the 2021 annual report.<sup>3</sup>

### **Common Council Appointees**

**Nairobi Vives**, *Chair*

First Appointed 06/15/2020

**Veneilya Harden**, *Vice Chair*

First Appointed 10/20/2017

**Paul Collins-Hackett**, *Secretary*

First Appointed 12/21/2020

**Zachary J. Garafalo**

First Appointed 06/6/2016

**Matthew Ingram**

First Appointed 10/17/2017

### **Mayoral Appointees**

**Kevin Cannizzaro**

First Appointed 5/10/2021

**Reverend Dr. Victor L. Collier**

First Appointed 3/22/2016

**John Levendosky**

First Appointed 10/26/2021

**Victor Person**

First Appointed 1/22/2021

---

<sup>3</sup> To learn more about CPRB Board members, see Appendix A: Board Biographies on page (19).



## **OVERVIEW OF COMPLAINT PROCESS PRIOR TO LOCAL LAW J**

---

When a complaint is filed, the Albany Police Department's Office of Professional Standards investigates and submits a "preliminary" report of its findings to the Board. (See § 42-343(E)). It then falls on the CPRB to review the case.

The Board is entitled to view the entire preliminary report of each complaint, and issue its own report, prepared by an individual appointed by the Board as an observer, monitor, or investigator.

Monitors, similar to observers, are qualified individuals possessing expertise in ascertaining whether an investigation by the OPS is thorough, complete, and fair. Monitors possess an investigative background and are appointed by the Board to objectively investigate a complaint that involves allegations of excessive use of force and/or a violation of the complainant's civil rights.

The panel's determination to appoint a monitor is based solely upon a reading of the text of the complaint submitted by the complainant, and does not indicate any pre-finding by the panel. The determination by the Board panel to appoint a monitor indicates the objective of the Board to ensure the broadest degree of scrutiny of a complaint and should not be construed as a prior judgment by the Board of the merits of the complaint. The monitor shall similarly make no prior judgment regarding the merit or lack of merit of a civilian complaint based upon panel appointment of a monitor.

Board members may also question a representative of the Professional Standards Unit, such as a Detective who has primary responsibility for preparing the preliminary report, and the individual appointed by the Board as an observer, monitor, or investigator. In addition, the Board may ask for a fuller description of the matter contained in the preliminary report and is entitled to pose questions in order to make fully informed decisions before casting a vote to sustain or not sustain the findings of OPS reports.

While Board members undertake their own review of complaints, more often than not it is the monitor's report that serves as the most complete professional guide to the full Board as it reviews the quality of the OPS investigation. CPRB monitors observe the investigations by the OPS of the complaints in order to enable the Board to fulfill its duties and responsibilities under the Albany City Code.

## COMPLAINT ACTIVITY

---

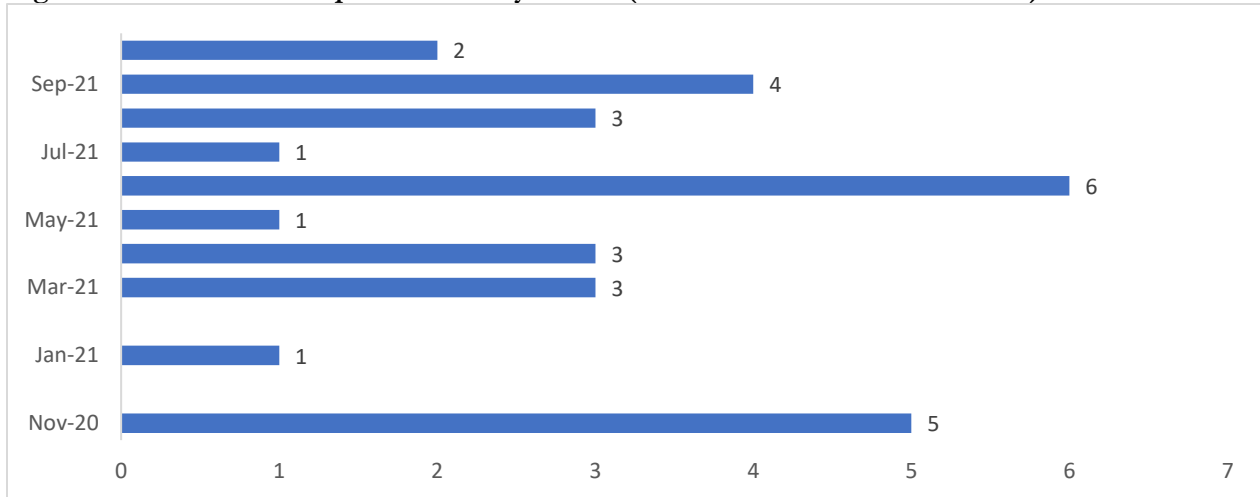
For most community members, contact with the CPRB begins with filing a complaint alleging police misconduct.

### CPRB Complaints Received and Reviewed

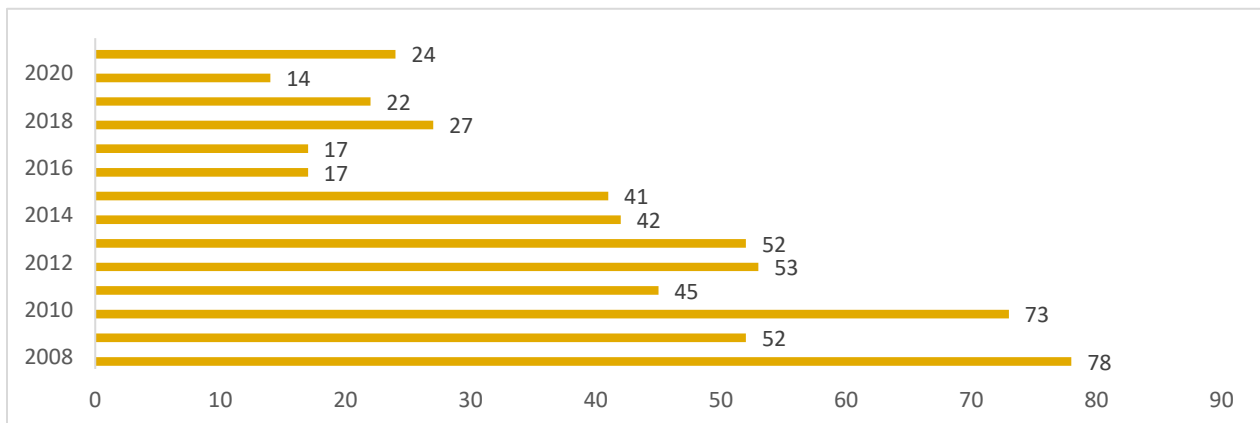
Fifty active cases were pending at the start of the reporting period. Between November 1, 2020, and October 31, 2021, the Board received 24 new complaints. Complaints received include those filed with the Board directly and those filed with the Board through OPS.

This report covered 64 active complaints by the end of the period. “Active” includes all complaints awaiting review, except those suspended because of pending litigation; in other words, “active” complaints are awaiting either an OPS investigation or review by the Board.

**Figure 1: New CPRB Complaints Filed by Month (November 2019 to October 2021)**



**Figure 2: New CPRB Complaints by Year**

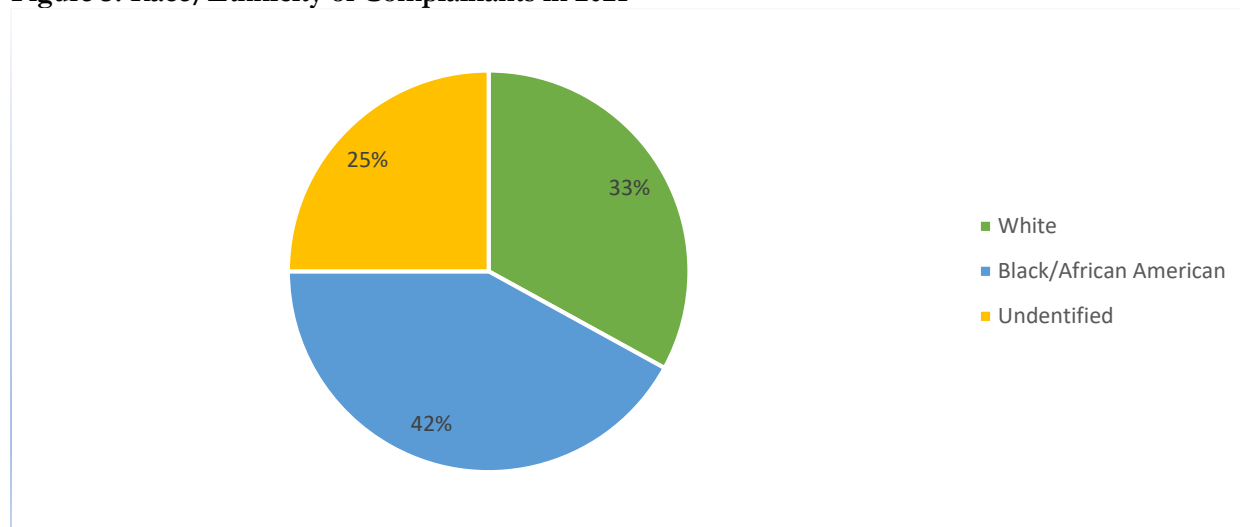


In the last 14 years (between October 27, 2008, and October 31, 2021), the Board received 557 complaints (see Figure 1). These complaints included those filed directly with the Board and those filed with the Board through OPS.

### Race/Ethnicity and Gender of Complainants

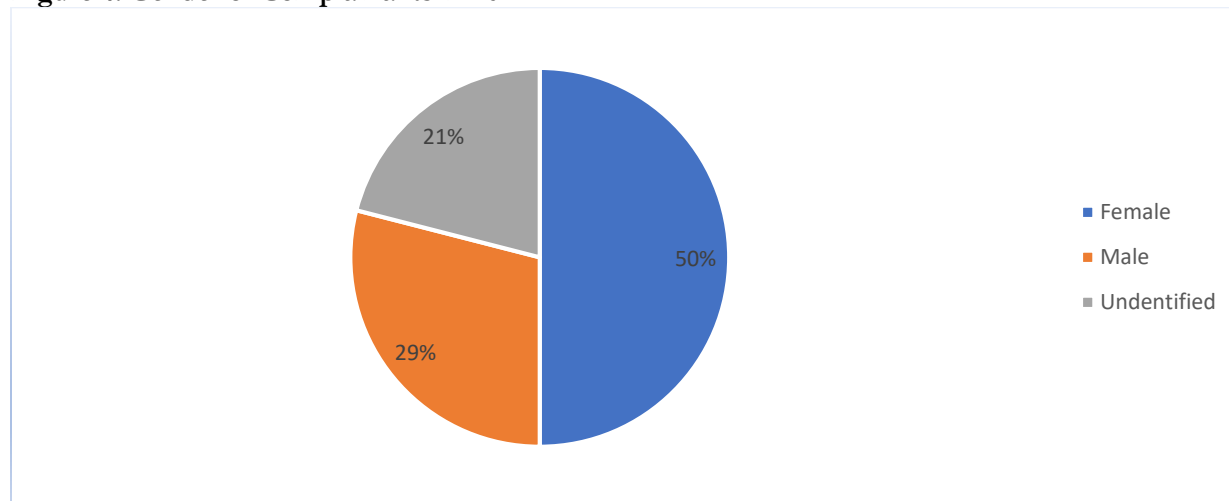
The purpose of gathering demographic information about complainants is to identify trends or disparities relating to individuals' encounters with law enforcement in the City of Albany. Providing this information is voluntary and is not required to file a civilian complaint.

**Figure 3: Race/Ethnicity of Complainants in 2021**



Complainants who file a complaint form with the Board have the option to include information relating to their race/ethnicity and/or gender. Of the 24 new complaints filed, 42% identified as African American, 33% as White/Caucasian, and 25% noted unidentified. Of those complaints, 10 individuals identified as Black/African American, 8 identified as White/Caucasian, and 6 individuals failed to disclose their race/ethnicity.

**Figure 4: Gender of Complainants in 2021**

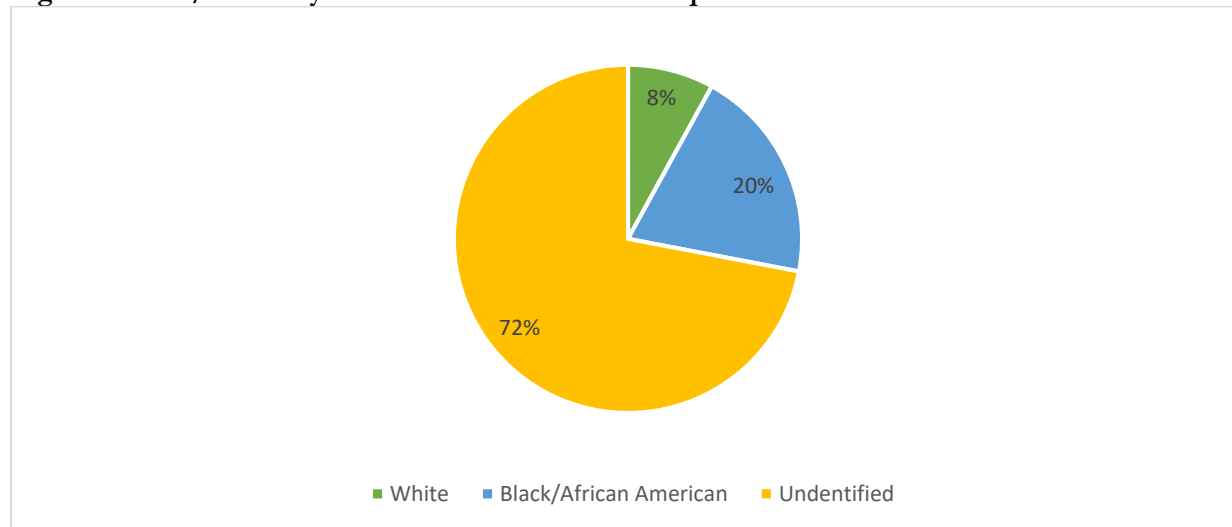


Among those complaints, 50% of complainants identified as female, 29% as male, and 21% did not disclose a gender identity (see figures 2 and 3). They represented 12 complainants who identified as female, 7 complainants who identified as male, and 5 complainants who failed to disclose their gender.

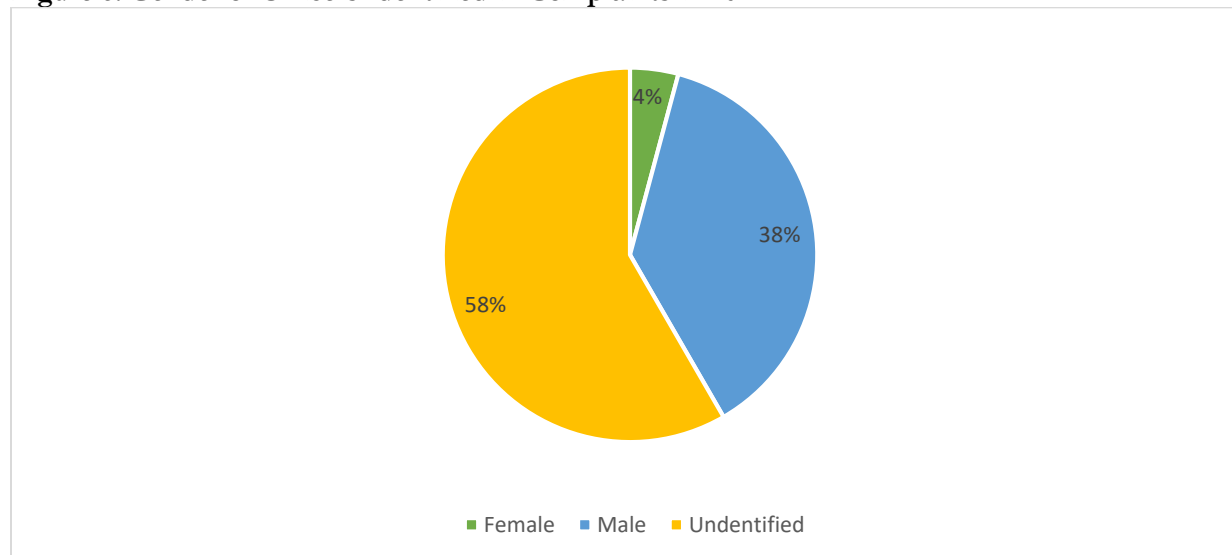
### Race/Ethnicity and Gender of Officers

In addition, the complaint form provides a section for the complainant to enter information about the race/ethnicity and gender of the officer(s) who are the subject of the complaint. Out of 24 complaints, 9 complainants indicated the officer was male, 1 indicated that the officer was female, 2 indicated that the officer was Black/African American, and 5 indicated that the officer was White/Caucasian.

**Figure 5: Race/Ethnicity of Officers Identified in Complaints in 2021**



**Figure 6: Gender of Officers Identified in Complaints in 2021**



### Allegations Contained in the Complaints

This section discusses the allegations made in the 24 complaints filed from November 2020 to October 31, 2021. The categorization is based on an initial review of the complaint filed with the Board and has not been categorized by OPS. The information serves as a benchmark from which the CPRB can track community concerns and grievances and analyze the data for possible trends at a later date. The categories designated are based on the information reported in the civilian complaint. OPS and the Board do not categorize the allegations in complaints until they review them. Each of the 24

complaints that were filed with the Board between November 1, 2020 and October 31, 2021 contained multiple allegations.

In identifying these categories and subcategories of allegations, the Board accounted for the complainant's classification of the allegations contained in those complaints.

**Figure 7: CPRB Complaints Received by Type of Allegations (November 1, 2020 - October 31, 2021)**

	Count
<b>Arrest Authority and Procedures</b>	
False/Illegal/Improper/Unlawful Arrest	1
Abuse of Authority - Intimidating Behavior	5
Threatened Arrest	0
<b>Call Handling</b>	
Failure to Complete Report/Investigate Properly/Handle Report	0
Failure/Refusal to Provide Information/Assistance	2
Illegal/Improper/Unlawful Stop OR Detention/Questioning/Search/Harassment	2
Illegal/Improper/Unlawful Search	0
<b>Evidence &amp; Property Handling</b>	
	1
<b>Unprofessional Conduct Standards</b>	
Offensive Language (Inappropriate Language that is Derogatory, Profane, Offensive, Vulgar, Threatening, Racially-Biased and/or Unnecessary Language)	1
Racial Bias	0
Unprofessional Conduct	6
<b>Use of Force</b>	
Excessive Use of Force	6
Improper Use of Force	0
Unnecessary Use of Force	0
Use of Force	0
<b>Total</b>	<b>24</b>

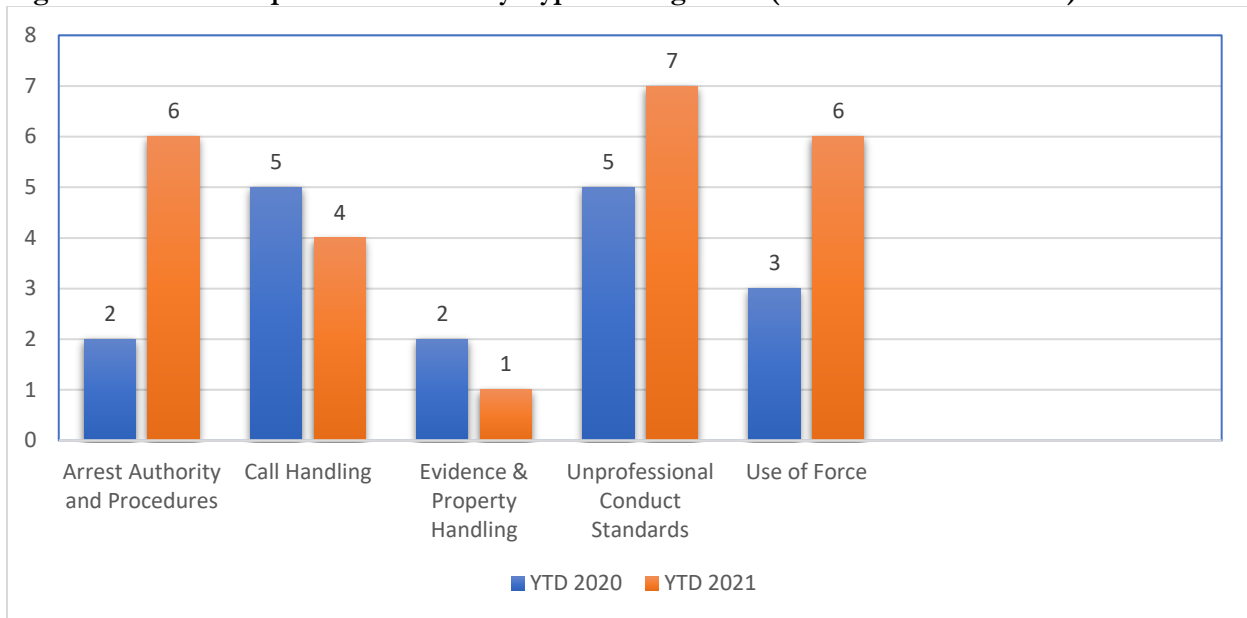
**Figure 8: CPRB Complaints Received by Type of Allegations (YTD 2020 vs YTD 2021)**

Allegations	YTD 2020		YTD 2021			
	Count	% of Total Complaints	Count	% of Total Complaints	Change	% Change
<b>Arrest Authority and Procedures</b>	2	11.76%	6	25%	4	200%

<b>Call Handling</b>	5	29.41%	4	16.67%	-1	20%
<b>Evidence &amp; Property Handling</b>	2	11.76%	1	4.17%	1	50%
<b>Unprofessional Conduct Standards</b>	5	29.41%	7	29.16%	-2	60%
<b>Use of Force</b>	3	17.65%	6	25%	-3	100%
<b>Total Complaints</b>	17	100%	24	100%	14	41.18%

*Note: The number of allegations receiving complaints typically grows as the complaints are investigated.*

**Figure 9: CPRB Complaints Received by Type of Allegations (2020 YTD vs 2021 YTD)**



### Findings

This year, the Board reviewed (i.e., voted on) 12 complaints, some of which were filed before November 1, 2020. Some complaints consist of several allegations made against the officer(s). The findings reported below refer to the allegations included in the complaints reviewed this year.

**Figure 10: Outcome of CPRB Complaints Received (YTD 2020 vs YTD 2021)**

Outcomes	YTD 2020		YTD 2021		Change	% Change
	Count	% of Total Complaints	Count	% of Total Complaints		
Unfounded	10	50%	9	28.125%	1	10%
Exonerated	2	10%	2	6.25%	0	0%
Not Sustained	2	10%	13	40.625%	11	550%
Sustained	0	0%	4	12.5%	4	+ 100%
Referred back to OPS for further investigation	2	10%	2	6.25%	0	0%
Referred to Common Council			1	3.125%	1	+ 100%
Deferred	1	5%	0	0%	-1	- 100%
Suspended	3	15%	1	3.125%	2	- 66%
Total	20	100%	32	100%	12	- 40%

The complaints that were reviewed by the Board this year resulted in the following findings<sup>4</sup>:

- 9 findings of Unfounded;
- 2 findings of Exonerated;
- 13 findings of Not Sustained;
- 4 findings of Sustained;
- 1 Suspended Complaint;
- 2 of the complaints were referred back to OPS for further investigation, and
- 1 was referred to the Common Council for review.

Since the 12 complaints reviewed contained multiple allegations of misconduct, the number of findings made is not equal to the number of complaints in which findings were rendered (see figures 1 and 2).

### **Suspension of Review**

The Common Council or the Mayor may suspend any case in which there is a pending criminal investigation or civil lawsuit.

The Board had two suspended complaints, which were carried over from the previous year of operation (November 1, 2017 - October 31, 2019). These suspensions remained in place throughout the current reporting year.

<sup>4</sup> See Appendix B: Definitions for definitions of finding categories (page 23).

### **Further Investigation/Board Action**

Under § 42-343(F)(2) of the City Code, the Board may, after its “review and deliberation of the preliminary report of the Department’s finding . . . request that Professional Standards conduct further investigation of the complaint.”

Of the 12 complaints reviewed, the Board sent 2 of the reviewed complaints back to OPS for further investigation and recommended that OPS review carefully the actions of the target officer and all of the officers who participated. Board members explained that OPS should determine whether the judgment the officers exercised fell within best practices, whether discretion was properly exercised, and whether past history or bias interfered with officer’s judgment. Members opined that both incidents were examples of poor practice. The Board also sent 1 complaint to the Common Council for review.

### **Remote Electronic Record Access for Complaint Review**

The Government Law Center recommended that a remote electronic record access for complaint review should be available for Board members and monitors. Remote electronic record access would allow for faster case reviews and more flexibility in assessing cases outside of standard OPS office hours, often a limiting factor. Commander Anthony M. Battuello stated that it is more efficient to adjudicate longstanding cases in OPS facilities than to accommodate the Board’s remote review request. Further discussions regarding remote access took place after the reporting period covered here but the issue has not been fully resolved as of the time of this report.

### **Monitors**

Under § 42-343(B)(1) of the City Code in effect during the reporting period, the Board is required to appoint an individual to observe and monitor the investigation by OPS of a complaint “in the event the complaint alleges use of force or a violation of civil rights.” Of the 24 complaints filed, the Board appointed a monitor to observe OPS investigations of 8 complaints.

### **Mediation**

After a complaint is filed, § 42-346(C) of the City Code provides that “the complainant or officer may at any time in the review process utilize the [Board’s] mediation process . . . to resolve the complaint.” Additionally, the Board is authorized under § 32-343(F)(4) to refer the complaint to mediation following its review and deliberation of the APD’s preliminary report of its findings.

The Board forwarded 1 complaint to mediation this fiscal year; the results are expected later in 2021.

### **Grievances**

The Board received 6 new grievance forms from OPS in the 2021 reporting year. Grievances are complaints received by OPS from community members who do not want to submit a formal complaint.



## **POLICY RECOMMENDATIONS**

---

The Standing Committee on Bylaws and Rules, made up of four Board members, reviews the effectiveness of the CPRB Bylaws and Rules in relation to advancing the efficient conduct of Board business. The Bylaws and Rules Committee met four times during the reporting period and presented the following proposals to the full Board for consideration:

- 1. Authorize CPRB to express judgment about the appropriateness of disciplinary action prior to the imposition of discipline.**
  - 1.1. OPS shall provide to the CPRB: (1) the nature of the offense; and (2) the nature of the disciplinary action(s) being considered
  - 1.2. Require OPS to reach a disciplinary decision within 1 year from receipt of the incident report
  - 1.3. May want to endorse an independent authority to issue disciplinary action.
  - 1.4. Upon motion and second, the proposal passed unanimously by the Board.
  
- 2. Authorize Full Inspection/Audit of Police Records Related to Alleged Misconduct or Formal Complaints**
  - 2.1. Allow CPRB to access and inspect police records related to misconduct or formal complaints including audio or video footage.

It was noted that this is currently the practice of the CPRB and OPS, but the explicit authority to do so is not codified.
  - 2.2. Upon motion and second, the proposal passed unanimously.
  
- 3. Ensure that the CPRB is representative of the community.**
  - 3.1. At least 1 Board member shall have been a victim of police brutality, and at least 1 Board member shall reside in a neighborhood or district with disproportionate police activity/arrests.
  - 3.2. Upon motion and second, the proposal passed unanimously by the Board.
  
- 4. Authorize and fund the CPRB to conduct an annual survey of police-community relations.**
  - 4.1. Upon motion and second, the proposal passed unanimously by the Board.
  
- 5. Implement a different model for minor traffic infractions. Study the current state of traffic enforcement by APD officers and determine if there is a connection between the cameras and stops conducted by APD officers.**
  - 5.1. No action was taken. Further Board discussion is recommended by the Board.
  
- 6. Require that a racial-bias audit, similar to the one conducted in 2020, be conducted at least once every five (5) years.**
  - 6.1. Upon motion and second, the proposal passed unanimously by the Board.

## REPORTS

---

Four quarterly reports and one annual report were submitted to the Board for approval. Each report detailed the activities of the Board and the Government Law Center during each time period covered. A copy of each of these reports was submitted and filed with the Mayor, the Common Council, and the Chief of Police as required by § 42-340(c) of the City Code. Additional copies were forwarded to members of the public, community groups and organizations, and other interested parties on the Board's mailing list. These reports were also posted on the Board's website.

Respectfully submitted,

Hon. Leslie E. Stein (Ret)  
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: **September 8, 2022**

## APPENDIX A: BOARD MEMBER BIOGRAPHIES

---



### **Nairobi Vives, Esq., *Chair***

Nairobi Vives was appointed as Chair of the City of Albany Community Police Review Board in 2021. Nairobi Vives is an attorney with a broad legal background, with experience in matters involving litigation, construction and public finance. She currently advises on matters involving diversity, equity and inclusion.

In addition, Nairobi spent two years as Associate Counsel in the New York State Assembly, where she advised Assembly Speakers and Committee Chairs on legal matters concerning legislation, program development, and budgeting.

Nairobi is a cum laude graduate of Albany Law School, where she was a member of the Albany Government Law Review and the Karen C. McGovern Senior Prize Trial winner for “Best Oral Advocate.” She also held a judicial externship in the Albany Law Clinic & Justice Center with the Hon. Lawrence Kahn in U.S. District Court for the Northern District of New York.



### **Dr. Veneilya Harden, Ed.D., *Vice Chair***

Dr. Veneilya A. Harden, Ed.D., is currently serving as an Advocacy Specialist II within the New York State Office of Mental Health in the Division of Child and Adult State Operations. Dr. Harden has been serving on the board since 2017 and was appointed as Vice-Chair in 2021.

Dr. Harden possess a Doctorate of Education, and Ed., Bachelor of Science in Criminal Justice at Russell Sage College and a master’s degree in Counseling in Community Psychology with a certificate in Forensic Mental Health at Sage Graduate School in Troy, New York. During her graduate studies at Sage, Goodwin-Harden worked to bring awareness to HIV/AIDS, domestic violence, and mental health. Dr. Harden has done a variety of work in the Albany and Troy communities including local outreach/advocacy with at risk teens, connecting individuals struggling with addiction to treatment, and volunteering with Albany County Crime Victims as a crisis hotline volunteer.



### **Paul Collins-Hackett, *Secretary***

*A Batman story... In a world plagued by fear, in a city haunted by neglect, a dark knight rose...*

Born and raised in Albany, New York, Paul committed to helping others after the death of his father when he was 3. He helped care for his blind mother as they forged a path together. As Paul grew, programs such as the Big Brother Big Sister program and mentors such as Jim Snyder helped him develop. It was there he learned the importance of caring for others, and just how impactful a community can be on a child. Albany’s Batman was born.

After graduating from Albany High and then Siena college, Batman joined with others to launch the non-profits “Tru Heart Inc” and “PULSE”. He worked at a local homeless shelter and began to plan. He served our great city as Director of the summer youth employment program, providing income and opportunity to local families. Now, Batman is the Executive Director of The RED Bookshelf, where his team of superheroes inspires young readers.

Batman continues to bring others into this league to work with our youth and save the city. This, league, of concerned individuals became the blueprint for his work moving forward. In addition to his day job, Batman is on the board for the Albany Fund for Education, serves as Vice President of Tru Heart, is on the alumni board of the Sponsor a Scholar program, is Co-founder of PULSE, is on the steering committee of the

Community Leadership Team for the Law Enforcement Assisted Diversion program, the Secretary of the Community Police Review board, the co-owner of a small business venture and more.

Despite his humble beginnings, Paul lives by the motto “what I do defines me”, and is an example to others that where you begin is not where you have to end in life. The most important question in life is “how do we move forward”. Paul does his best to be the change he wants to be and lead by example. We can all sleep peacefully knowing our Dark Knights are behind us. #SaveTheCity

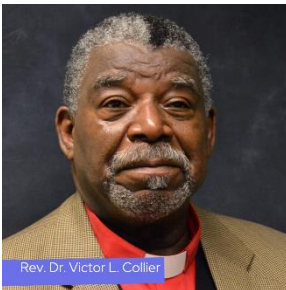


**Kevin Cannizzaro**

Kevin Cannizzaro is a life-long City of Albany resident and passionate advocate for the community. He obtained his undergraduate degree from SUNY Buffalo in May of 2011 and his Juris Doctor degree from SUNY Buffalo Law School in May of 2015.

Kevin works as an attorney in the area whose practice focuses on civil rights litigation, personal injury matters, and various municipal governance matters. His practice focuses heavily on police-citizen interactions and constitutional issues that are associated with those interactions. Kevin currently serves in the Office of the Albany County Attorney, and previously held the position of Majority Counsel for the Albany County Legislature from 2018-2020. He is an admitted attorney in the New York State Supreme Court, the Federal District Court for the Northern District of New York, and in the Second Circuit Court of Appeals.

Kevin was previously appointed to and served as a member of the New York State Bar Association’s Committee on Civil Rights from 2018-2019. In addition, he actively serves as pro bono counsel on the Pro Bono Attorney Panel for the Federal District Court for the Northern District of New York.



**Rev Dr. Victor Collier**

Victor Collier is the Pastor of Mount Olivet Baptist Church of Empowerment in Saratoga Springs. Reverend Collier retired from NYS Office of Mental Health as Sr. Administrative Analyst and Assoc. Computer Analyst. His career also includes Substance Abuse Counselor at Whitney M. Young Jr. Methadone Medical Maintenance Program, Correctional Officer at Albany County Correctional Facility. He served on the Albany County District Attorney Offices’ Community Accountability Board, and successfully completed the Federal Bureau of Investigation Citizens Academy. He received Bachelors, Masters and Doctorate degrees in African and Afro-American Studies from SUNY Albany. He received his Doctrine of Theology and Honorary Doctrine of Divinity from Universal Life Church in Modesto, CA.



### **Zachary Garafalo**

Zach Garafalo is an advocate, organizer and public speaker. His work focuses on empowering multiply-marginalized community members, particularly those adversely impacted by institutionalization, incarceration and policing.

Zach serves on the Albany Community Police Review Board (CPRB) and is a former member of the Albany Community Policing Advisory Committee (ACPAC). Leveraging these relationships enabled Zach to engage community members, the Albany Police Department and other stakeholders on topics including: Disaster Preparedness for People with Disabilities and Older Adults, Mental Health First Aid, The Opioid Epidemic, Crisis Intervention and Community Policing and Community Policing and Student Neighbors.

Additionally, Zach is an enlisted member of the New York Guard. He is a Military Emergency Management Specialist and earned his basic qualification in COMMO.

Zach speaks extensively on engaging marginalized communities in policy discussions, including in presentations at the United States Equal Employment Opportunity Commission, the White House and to US State Department delegations from Belarus, Latin America, Mexico and the Netherlands. Zach is a regular commentator on WCAA 107.3 FM-LP.

Among his professional accolades, Zach was honored by President Barack Obama as a Champion of Change.



### **Matthew Ingram**

Matt Ingram is an Associate Professor in the Department of Political Science at the Rockefeller College of Public Affairs and Policy at the University at Albany, State University of New York (UAlbany). Ingram's research examines law, politics, violence, and methods, with a main geographic focus on Latin America. The centerpiece of his research thus far is his single-author book, *Crafting Courts in New Democracies: The Politics of Subnational Judicial Reform in Brazil and Mexico* (Cambridge University Press, 2016). Additional academic work includes articles in several peer-reviewed journals, an edited volume on justice reform in Latin America (*Beyond High Courts: The Justice Complex in Latin America*, co-edited with Diana Kapiszewski), chapters in multiple edited volumes, and policy papers and research reports for think tanks and institutes.

Prior to arriving at Rockefeller, Ingram held post-doctoral fellowships at the UC San Diego's Center for U.S.-Mexican Studies (2009-2010) and Notre Dame's Kellogg Institute (2011-2012). He was also an Assistant Professor of Political Science at the University of Massachusetts, Dartmouth (2010-2011). In 2012-2013, Ingram will offer courses in Comparative Judicial Politics, Comparative Criminal Procedure, and Latin American Politics. Prof. Ingram, born and raised in Mexico, speaks English, Spanish, and Portuguese.

Ingram holds a B.A. from Pomona College (1993), and both a law degree (J.D. 2006) and a Ph.D. in political science (2009) from the University of New Mexico and was a postdoctoral fellow at the Center for U.S.-Mexican Studies at the University of California, San Diego (2009-2010), and the Kellogg Institute for International Studies at the University of Notre Dame (2011-2012). Ingram also served as a probation officer and law enforcement in California.



### **John Levendosky**

John Levendosky is a certified special education teacher working in the Capital Region. He received his MS.Ed. from the College of St. Rose in Adolescent Special Education. He received BA's in History and Philosophy from Manhattan College. He is the father of three young children in the Albany City School District and has been a proud Albany resident since 2009. Prior to moving to the capital region, he was a police officer in New York city and Washington, D.C.

As an educator, John has worked with students with intellectual disabilities and their families. In addition to working with this student population, John has experience working with at-risk youth learning in alternative educational settings. He is currently the chair of the Albany Ancient Order of Hibernians (AOH) Freedom for All Ireland (FFAI) Committee, working to create awareness of social justice, equitable policing, and intercommunity dialog in Northern Ireland.

John's community involvement also includes being a member of Albany's 9th Ward Committee, Albany County Democratic Committee Rule Committee Member, Albany County AOH Treasurer, Albany AOH Division Immigration Chairman, Board member/player of Albany's Gaelic Athletic Association (GAA), and a coach for his daughter's soccer team.



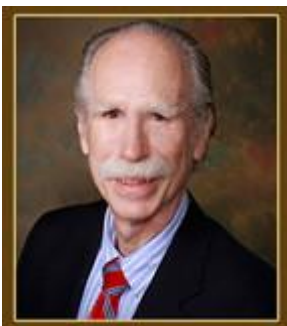
### **Victor Person**

Victor Person received a master's degree in Community Psychology and bachelor's degree in Human Services from the Sage Colleges in New York. His skillset includes mental health counseling, crisis intervention, individual and group counseling, behavioral therapy and social work. Person is passionate about serving and giving back to the community having previously worked as a Training and Development Specialist at Berkshire Farm Centre, Substance Abuse Counselor at Whitney M. Young FACTS Program, and Prevention Specialist at Rensselaer County Mental Health.

Person also serves as an Assistant House Manager for Devereux Foundation in New York, working in tandem with residents' medical and employment providers and assisting in the development and oversight of the community employment program.

## **Outgoing Board Members**

---



### **Larry Becker**

\*Term ended October 2021

No Biography available.



### **Ivy Morris, *Former Chair***

\*Term ended January 2021

No Biography available.

## **APPENDIX B: 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 complaint.

**MONITOR** – A qualified individual with an investigative background who 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.

**FINDINGS** – 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 involve 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 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.

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.