

**CITY OF ALBANY  
COMMUNITY POLICE REVIEW BOARD**

*July 8, 2021 at 6:00 p.m.*

200 Henry Johnson Blvd, 2<sup>nd</sup> FL  
Albany, NY 12210

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**MEETING MINUTES**

• **Call to Order and Roll Call** (N. Vives)

Board Members Present: Nairobi Vives, Paul Collins-Hackett, Larry Becker, Dr. Veneilya Harden, Matthew Ingram, Kevin Cannizzaro, Victor Person

Excused: Dr. Rev. Victor Collier, Zach Garafalo

Also Present: Matt Toporowski, Detective Marissa Shane, Detective William Pierce

N. Vives called the meeting to order at 6:11pm.

• **Approval of the Agenda** (N. Vives)

Motion to approve agenda passed unanimously.

• **Approval of Minutes and Reports** (N. Vives)

Motion to approve June 10<sup>th</sup> minutes and Bylaws and Rules meeting minutes passed unanimously.

• **New Business** (N. Vives)

Three new complaints received since June 10, 2021.

Vives is still working on assigning some cases to members.

• **Case Updates** (Collins-Hackett)

CC2020-003

Collins-Hackett has completed review. The case is going to be postponed at the request of Det. Fasciglione so that he can be in attendance.

• **Case Review**

- CC2019-024 (Becker)

Becker recalled the comments made by the target officer in this complaint.

On August 17, 2019, Complainant was in her home and overheard an officer say “These savages” and another officer respond “You can’t say that, and I have to turn my camera

off' which she believed to be in reference to a black male in the back of the police vehicle. Officers from Albany and Guilderland Police Departments were present.

Officers from APD and GPD denied that the statements were mentioned and that no one was detained or in custody at the time.

Becker reviewed: IDC, call details, body cam footage of officers, available audio

Becker did not hear the comments made during his case review. However, all of the bodycams were turned off.

Although the video does not support the complainant's allegation, Becker knows that officers were outside of the window engaging in conversation. He, however, does not have audio or video to support the complainant's allegation.

**Motion that OPS change their findings from Unfounded to Not sustained for both of the findings. Motion passes unanimously.**

**OPS Findings:**

1. Conduct Standards – Unfounded - where the review shows that the act or acts complained of did not occur or were misconstrued.
2. Conduct Standards – Unfounded - where the review shows that the act or acts complained of did not occur or were misconstrued.

**CPRB Findings:**

1. Conduct standards – Not sustained – where the review fails to disclose sufficient facts to prove or disprove the allegation(s) made in the complaint.
2. Conduct standards – Not sustained - where the review fails to disclose sufficient facts to prove or disprove the allegation(s) made in the complaint.

**Discussion:**

Cannizzaro ask if there is an OPS policy that require officers to have their body cameras on when they have a suspect or are interacting with a member of the general public? Is the scope that narrow?

Det. Pierce responded that officers do not walk around with their body cams on unless an incident is occurring. Officers are required to turn on the camera if something is going on. There are times when the cameras are muted depending on the circumstances. There is some leeway about when officers can turn their camera on. The body cam also has a lag from when the audio starts recording when first turned on.

Vives made recommendations in Collaborative working group regarding the use of body cams. Along with reviewing General Orders, cases, and policies, the board should be mindful and ask questions.

Ingram states this has been a concern for the board and is a part of the core recommendations to have more accountability for why and when officers are turning off the cameras.

Becker states body worn cameras were turned off, and there were police at the scene in front of complainant's house. Complainant made an allegation that she heard what she heard. The cameras were turned off which left a situation where this allegation cannot be confirmed.

Det. Pierce provides examples of when it is necessary for officers to turn off their body cams.

Vives states the goal of the board is to provide more accountability and transparency. Vives recommended that APD pass on information to Guilderland Police Department.

- CC2019-026 (Ingram)

Case is still under review.

Monitor was assigned to the case and retired before starting review. If it is fine with the board, Ingram will proceed with review without a monitor assigned if permitted.

**Vives approves Ingram proceeding with review of the case without a monitor.**

- CC2019-007 (Garafalo)

Case review moved to the next board meeting.

- **NACOLE Conference**

Cannizzaro is interested in attending, and Becker is interested in individual sessions.

**Motion passes to send the following members listed to attend 2021 NACOLE Conference.** GLC will contact Rev. Collier and Z. Garafalo about attending.

- Nairobi Vives - Virtual
- Matthew Ingram – Virtual
- Victor Person - Virtual
- Dr. Veneilya Harden – in-person
- Paul Collins-Hackett – in-person
- Kevin Cannizzaro
- Larry Becker – individual sessions

• **Committee Reports**

i. *By-Laws and Rules*

(Ingram)

We are interested in having more consistent Bylaws and Rules meetings in between board meetings. The following items are in discussion with Bylaws and Rules Committee members:

- Uniform Monitor assignment – moving into an opt-out process.
- Email policy – formal CPRB emails.
- CPRB members serving as Legal Observers during protests.
- CPRB moving into a more permanent, full-time structure.

Ingram would like to add discussion about body-worn cameras policy when officers fail to activate body cams. It is not clear that officers are writing reports they are required to when they fail to activate body cams.

Collins-Hackett asked if there were updates about what happened at the South Station when officers covered badges.

Vives stated that the board will be requesting updates from OPS regarding delays.

Harden stated that when a person is deemed emotionally disturbed, there is supposed to be a follow-up report. Harden notes that officers are not following this policy.

Ingram noted that the policy of off-duty officers in plain clothes responding to incidents has ambiguities.

Person asked for updates regarding the discussions of new members shadowing existing members and the transition to full-time professional operation. Ingram suggested shifting to a different model where members are compensated.

Harden and Cannizzaro discussed the goals of the working draft of consolidating Operating Procedures and Bylaws.

ii. *Outreach*

(Vives)

Board is moving forward with informational videos for CPRB, and GLC has reached out to YouthFX to start outreach project.

iii. *Mediation*

(Vives)

Most of the complainants have declined mediation, and there are approximately three where we are still waiting on replies.

iv. *Police Department Liaison Committee*

(Harden)

Becker is going to presenting a case before the Common Council. We are seeking to confirm the date and details of the meeting.

iv. *Public Official Liaison Committee* (Vives)  
Wants to keep the conversation going.

v. *Monitor Task Force* (Becker)

We are in the process of interviewing two monitors tomorrow for consideration for serving on our task force.

- **Report From Government Law Center** (Harkness)  
Ava has transitioned into her role of full-time faculty. The law school is still interviewing candidates for her position. The GLC has an Interim Director, Bennett Liebman, who will be temporarily overseeing the GLC while a new Director is in the process of being hired.

The Siena Fellows, Harrison and Nicolas, have been doing an excellent job analyzing all of the E.O. 203 plans throughout New York State and will be preparing a report of their insights when their research is complete. Keep an eye out for the report.

- **Report from OPS** (Cdr. Battuello)  
There were no updates.

- **Report from the Chair** (Vives)  
There were no updates.

- **Public Comment**  
No comment.

- **Additional Comments:**  
Cannizzaro requests special meeting for the board to discuss the body cam issue.

- **Meeting Adjournment** (Vives & Collins-Hackett)  
Meeting adjourned at 7:26PM