

**CITY OF ALBANY  
COMMUNITY POLICE REVIEW BOARD**

*June 10, 2021 at 6:00 p.m.*

[Via Zoom](#)

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**MEETING MINUTES**

- **Call to Order and Roll Call** (N. Vives)  
  
Board Members Present: Nairobi Vives, Paul Collins-Hackett, Dr. Rev. Victor Collier, Larry Becker, Dr. Veneilya Harden, Matthew Ingram, Kevin Cannizzaro, Victor Person, Zach Garafalo  
  
Also Present: Commander Anthony Battuello, Matt Toporowski  
  
N. Vives called the meeting to order at 6:05pm.
- **Approval of the Agenda** (N. Vives)  
Motion to approve agenda passed unanimously.
- **Approval of Minutes and Reports** (N. Vives)  
Motion to approve May 13<sup>th</sup> minutes, 1<sup>st</sup> Quarter Report and 2<sup>nd</sup> Quarter Report passed unanimously.
- **New Business** (N. Vives)  
Four new complaints received since May 13, 2021.  
CC2021-014 and CC2021-015 – Complaints will be assigned to members soon and GLC will be in contact with members assigned.
- **Case Updates** (N. Vives)  
  
CC2018-013 – Collins-Hackett  
Collins-Hackett has completed preliminary review of the case. There are a few things he has follow up questions about before making recommendations. Case should be ready for review at the July board meeting.  
  
CC2018-023 - Complainant is present. **Complainant requested to meet with member assigned to the complaint before the case is reviewed at a public meeting.**  
**Complainant requested to be notified in when case is scheduled for case review.**
- **Case Review**
  - CC2017-038 – (Becker)

**Becker makes a motion recommending the following to be addressed in this case before further analysis:**

1. Independent Investigation.
2. Investigation regarding response to Emotionally Impaired Person and the actions by the target officer.
3. Investigation of the role OPS plays as a gatekeeper for complaints (as in what gets accepted as a complaint and what doesn't).

**Discussion:**

Issue with OPS officers investigating APD officers. In this matter the target officer was on duty acting as a member of OPS. Inappropriate for OPS officer to investigate OPS personnel.

Becker had discussion with two Chiefs of Police without disclosing affiliation and inquired about the question referenced above. Those officers stated that their office would not consider allowing an office to investigate itself.

**Becker notes perceived Conflict of Interest and recommends independent investigation.**

**Question:** Will OPS take steps to have the complaint independently investigated?

There is nothing in the OPS investigation that addresses whether or not complainant was emotionally impaired; whether or not the target officer exercised discretion to initiate a protocol for responding to an upset, emotionally impaired person. Becker recommends case is independently investigated. Vives recites details of complaint.

**Motion passes unanimously.**

- CC2019-012 – (Harden)

The complaint involves an incident on June 28, 2018, complainant alleges that APD officers shot at their vehicle with no warning, officers covered up their body cams, lied in their report about his vehicle being unregistered, and planted a gun on him while he was passed out.

A community member saw the complainant's vehicle in the middle of the street surrounded in shell casings and reported it to 911. Complainant appeared to be intoxicated based on the body cam footage. Upon arrest, officers searched complainant and discovered a loaded gun. The gun was removed and placed on the sidewalk.

The complaint was charged criminally and for the traffic infractions. Complainant plead guilty and was sentenced. The registration was found to be suspended due to lack of insurance on the vehicle. Harden did not observe an opportunity for a gun to be planted on complainant. Complainant made calls to someone who appears to be a significant other while in booking acknowledging a gun and drugs were found and to contact his lawyer. Harden reviewed a statement from his defense attorney that acknowledges complainant admitted having a gun on him at the time.

Harden did not observe a point where officer's body cams were covered. Harden observed a professional interaction between the complainant and APD officers.

Harden reviewed: 2 officer's personnel files, 911 call, radio transmission, booking phone calls, body cam footage, incident paperwork, call ticket, arrest report, use of force report, SII, oral statements, suppression hearings, judicial decision and order, phone call with District Attorney's office, phone call with complainant's defense attorney.

Complainant involves four allegations:

**OPS Findings:**

1. Use of Force – Unfounded - where the review shows that the act or acts complained of did not occur or were misconstrued.
2. Call Handling – Unfounded - where the review shows that the act or acts complained of did not occur or were misconstrued.
3. Call Handling – Unfounded - where the review shows that the act or acts complained of did not occur or were misconstrued.
4. Call Handling – Unfounded - where the review shows that the act or acts complained of did not occur or were misconstrued.

**CPRB Findings:**

1. Use of Force – Unfounded - where the review shows that the act or acts complained of did not occur or were misconstrued.
2. Call Handling – Unfounded - where the review shows that the act or acts complained of did not occur or were misconstrued.
3. Call Handling – Unfounded - where the review shows that the act or acts complained of did not occur or were misconstrued.
4. Call Handling – Unfounded - where the review shows that the act or acts complained of did not occur or were misconstrued.

No discussion.

**Motion passes unanimously for the above findings.**

- CC2019-028 - (Vives)

Vives spoke to Det. Shane, who was unable to attend tonight's meeting.

Complainant was involved in an auto accident on April 1, 2019 where another driver hit their door, an officer responded, information was exchanged and complainant was provided with an incident number. An accident report was not produced. Complainant contacted APD and believes he was treated disrespectfully, and they failed to produce an accident report.

Vives reviewed body cam footage of target officer, two audio files, complainant's initial phone call, Detective Shane's report, an audio file of call between officer and complainant, and officer statements.

Vives states that it is unclear whether an accident report is to be provided or not. It was not explained to the complainant that there would not be an accident report. The other driver involved in the accident changed their story and complainant needed the accident report to resolve dispute with insurance provider.

Discussion about officer's conduct and order of events.

Complainant reported that he was denied to speak to the Sergeant. A Sergeant was not in the South Station and had to return to speak to complainant.

#### **OPS Findings:**

1. Conduct Standards – Unfounded - Unfounded - where the review shows that the act or acts complained of did not occur or were misconstrued.
2. Call Handling – Unfounded - Unfounded - where the review shows that the act or acts complained of did not occur or were misconstrued.
3. Call Handling – Exonerated - where the acts which provide the basis for the complaint occurred, but the review shows that such acts were proper.

#### **CPRB Findings:**

1. Call Handling – Ineffective Training and Policy – where the matter does not guilt or lack thereof, but rather ineffective departmental policy or training to address the situation.
2. Call Handling – Unfounded - Unfounded - where the review shows that the act or acts complained of did not occur or were misconstrued.
3. Conduct Standards – Not Sustained (Carpenter/Anderson) - where review fails to disclose sufficient facts to prove or disprove the allegation made in the complaint; Sustained (Smith) - where the review discloses sufficient facts to prove the allegations made in the complaint.

## **Discussion:**

Vives states there should be an additional finding for Officer Smith's behavior on the call with the complainant. Vives states that this is a simple customer service issue that could have been easily resolved and instead the supervisor chose to defend the actions of his officer.

D/Lt. Decker provides that officers are required to provide accident report if there is an injury, damages over a certain threshold, or by request of an accident report to provide an accident report.

Vives clarified that there should be a process or procedure where officers offer to provide a report or clarify that a report will not be provided.

Motion to add additional finding to this complaint. Collins-Hackett states that the suggested behavior provided by Vives should be encouraged.

**Question:** Cannizzaro asks when an officer is asked to provide their badge number, is there a stated policy that directs officers on how to respond?

Cdr. Battuello states that officers have to provide their badge number upon request. It's pretty clear as written.

**Question:** Person asks when officers are responding to accidents is there a write up on the incident?

Cdr. Battuello stated that call tickets are created for all calls to the 911 operator. These call tickets can be obtained through FOIL process. A disposition should be provided for each call.

Rev. Collier notes that APD should use better de-escalation practices when dealing with community members.

**Question:** Ingram asks for clarification about the complainant's phone call with Officer Smith. Did the officer know who was on the call? Was officer rude?

Vives stated based on her review it appears that the target officer knew who was on the call. Complainant stated that he was just in the station making a complaint. Officer eventually provided badge number after a minute exchange.

**Question:** Ingram expressing issue with characterization of complainants as difficult. Ingram doesn't know where this will within the provisions of the complaint but wants to raise concern that this issue should be looked at closer.

Informal discussion about recommendations on how officer's should serve community members.

**Motion to amend motion for sustained finding to Not sustained for Officer Carpenter and Sgt. Anderson and Sustained for Officer Smith. Motion passes. One abstention.**

• **Committee Reports**

i. By-Laws and Rules (Ingram)  
We have rescheduled Bylaws and Rule Committee meeting and have an agenda of times to discuss.

ii. Outreach (Vives)  
Moving forward with informational videos for CPRB and waiting on cost to get approved. Exciting news is in the pipeline and hopefully we will have more information on it next month.

iii. Mediation (Rev. Collier)  
Most of the complainants have declined mediation and there are around 3 we are still waiting on replies.

iv. Police Department Liaison Committee (Harden)

iv. Public Official Liaison Committee/ (Vives)  
Welcome to Matt Toporowski, new Corporation Counsel and CPRB attorney.

v. Monitor Task Force (Becker)  
There were no updates.

• **Report From Government Law Center** (Ayers)  
There were no updates.

• **Report from OPS** (Cdr. Battuello)

Uniform Monitor Assignment

Cdr. Battuello asks if the board has made a decision about uniform monitor assignment to enhance transparency.

Becker responds that most he would seek to have a monitor assigned but there are some that do not require a monitor. Some do not have facts to dispute and can be resolved in an amicable way.

Vives recommends an opt-out process for monitor assignment meaning that all cases are to have monitors assigned unless upon review by the Monitor Task Force Committee Chair determines the complaint is opted-out of monitor assignment. Becker agrees that Vives suggestion is a good process to implement.

Vives states that Monitor Task Force Committee Chair will communicate with GLC to inform OPS of complaints where a monitor is not assigned. Going forward board will uniformly assign monitors.

Cdr. Battuello states that the premise of making this recommendation is to make sure the investigation is truly independent and to add that layer of transparency. Cdr. Battuello agrees with Becker's position and respects his judgment. Cdr. Battuello supports the board taking this request into consideration. Cdr. Battuello believes that monitors can offer a different perspective.

Vives states that the board does have to take the budget into consideration and notes that if Local Law J is passed it will increase the board's budget and allow for more monitor assignments. Right now, Vives supports operating under Becker's suggestion.

Becker asks Cdr. Battuello is they have data about the percentage of OPS cases with a monitor assigned. Cdr. Battuello responds that OPS currently does not have a field to measure that data. Cdr. Battuello informs new board members that historically monitors have been assigned for complaints of racial bias and discrimination, violation of individuals civil rights, or excessive use of force violations.

**Question:** Rev. Dr. Collier asks if it would be advantageous for the board to consider utilizing members until the board can afford to pay for uniform monitor assignments?

Vives inquires if Collier is suggesting that board members be present with monitors during investigation?

Collier states since board members still have to review the findings of the monitors and OPS, if it would be helpful to implement in the interim provided that members already serve in a volunteer capacity and board is designed to be independent.

Discussion about if an existing member could serve as a monitor voluntarily.

Cdr. Battuello supports whatever the board decides to provide an extra layer of transparency and when it is possible for the budget to support this recommendation, it will be a great benefit for both OPS, GLC, and the Board.

**Cdr. Battuello requests meet and greet between the new monitors and OPS detectives provided that they have added new detectives to staff.**

### Hiring

APD is entering into a new hiring cycle specifically focusing on the telecommunications side of operations. The first stage of the civil service list has already begun. The department has 15 vacancies for emergency dispatchers. They look forward to upgrading their staffing and working through the civil service list.

- **Report from the Chair**  
There were no updates.

(Vives)

- **Public Comment**  
No comment.

- **Meeting Adjournment**  
Meeting adjourned at 8:13PM

(Vives)

