



City of Albany
Community Police Review Board

2022 4th Quarter Report

September 1, 2022 – December 31, 2022

Submitted to:

The Mayor of the City of Albany

The Common Council of the City of Albany

The Police Chief of the City of Albany

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COMPLAINTS AND INVESTIGATIONS

Complaint Review Summary

This report covers the operations of the Community Police Review Board (hereafter “the CPRB” or “the Board”) from September 1, 2022, to December 31, 2022.

For complaints filed before the passage of Local Law J, the Board begins reviewing each case after it receives a “preliminary” report from the Albany Police Department’s Office of Professional Standards (OPS). The OPS report recounts the facts of the complaint, the facts revealed by OPS’s investigation, and OPS’s recommendations about the case.

Each board member is entitled to view that report and the report prepared by any individual appointed by the Board as an observer, monitor, or investigator. Board members are also entitled to question the OPS investigator who was principally responsible for preparing the preliminary report, as well as the individual appointed by the Board as an observer, monitor, or investigator. The Board also may request a fuller description of the matter than that contained in the preliminary report and may ask other questions that may enable them to vote on a fully informed basis. The Board then makes findings on each case, which are forwarded to the Complainant and the Albany Police Department.

There were 82 active cases (also referred to as complaints) at the start of the reporting period. An “active case” is a complaint awaiting review by an OPS investigator and a member of the CPRB, except those cases that were suspended because of pending litigation. By the end of the reporting period, there were 93 active complaints.

There are 46 cases under investigation by OPS, 30 cases under supervisor review by OPS, and 4 cases were resolved through mediation.. 9 cases are pending Board review by CPRB, 4 of which the Board has voted to independently investigate.

Active Cases	Count
Awaiting Detective and Case Number Assignment (OPS)	0
Under Investigation (OPS)	46
Supervisor Review (OPS)	30
Pending Board Review (CPRB)	9
Independent Investigation (CPRB)	4
Mediation	4
Total Active Cases	93

Complaints	Count
Total Active Cases	93
Complaints Awaiting Status Update	18
Total Complaints	111

The number of complaints awaiting status updates is not included in the number of active cases in the table above, but those cases may have been closed by OPS and CPRB without indication in the CPRB's records. The CPRB followed up with OPS to inquire about the 18 complaints still awaiting status updates and requested preliminary reports for cases considered closed by OPS. A case is considered "closed" by OPS when its investigation is completed.

The Board reviewed and made findings on 4 complaints in the fourth quarter of 2022.

OPS Case No.	Case Synopsis	OPS Finding	CPRB Finding
<p>CC2018-013 - P. Collins-Hackett</p>	<p>The complainant alleged officers used excessive force by throwing him through a plate glass window; after this he was handcuffed so tightly that he had distended and dislocated wrists.</p> <p>Allegation(s):</p> <ol style="list-style-type: none"> 1. Conduct Standards (2cts) 2. Use of Force (1ct) 3. Evidence and Property Handling (1ct) 	<ol style="list-style-type: none"> 1. Use of Force: Exonerated – where the acts which provide the basis for the complaint occurred, but the review shows that such acts were proper. 2. Conduct Standards (Problematic language and discourtesy): Founded – where the review shows that the acts or acts complained of did occur. 3. Evidence and Property Handling: Unfounded – where the review shows that the act or acts complained of did not occur or were misconstrued. 	<p>The Board has made the following findings as to the conduct of the specific officer involved:</p> <ol style="list-style-type: none"> 1. With regards to the allegation of improper Use of Force, the CPRB reached a finding of Exonerated. 2. With regards to two counts of the allegation of improper Conduct Standards (problematic language and discourtesy), the CPRB reached a finding of Founded. 3. With regards to the allegation of improper Evidence and Property handling, the CPRB reached a finding of Unfounded.

<p>CC2019-008 - P. Collins-Hackett</p>	<p>On March 12, 2019, the Office of Professional Standards received a Citizen’s Complaint filed by complainant regarding her interactions with Albany City Police Officers while she exited Albany City Police Court (1 Morton Avenue, Albany) on January 24, 2019. Complainant alleges that on the date in question while she exited the court room officers grabbed her, dragged her back, slammed her to the floor pulled her hair, and beat her.</p> <p>Allegation(s):</p> <p>1. Use of Force (1 ct)</p>	<p>1. Use of force: Unfounded – where the review shows that the act or acts complained of did not occur or were misconstrued.</p>	<p>The Board has made the following findings as to the conduct of the specific officer involved:</p> <p>1. With regards to the allegation of improper Use of Force, the CPRB reached a finding of Unfounded.</p>
<p>CC2019-020 – M. Ingram</p>	<p>The complainant alleges that on May 22, 2019 she was operating her vehicle in the area of Collins Place and New Scotland Avenue in the City of Albany, and later in the day she was issued {6} six traffic tickets by an Officer based on information/depositions provided by a Detective (while off duty) who was attending an event at Matter Christi School. The complainant alleges that the Detective lied on his sworn deposition and was not in fact present to observe her alleged traffic violations. The complainant further alleges that the Officer</p>	<p>1. Arrest Authority & Procedure: Unfounded – where the review shows that the act or acts complained of did not occur or were misconstrued.</p> <p>2. Conduct Standards: Unfounded – where the review shows that the act or acts complained of did not occur or were misconstrued.</p>	<p>The Board has made the following findings as to the conduct of the specific officer involved:</p> <p>1. With regards to the allegation of improper Arrest Authority & Procedures, the CPRB reached a finding of Unfounded.</p> <p>2. With regards to the allegation of improper Conduct Standards, the CPRB reached a finding of Unfounded.</p>

	<p>conspired with the Detective to arrest her.</p> <p>Allegation(s):</p> <ol style="list-style-type: none"> 1. Arrest Authority & Procedure (1ct) 2. Conduct Standards (1ct) 		
<p>CC2019-021 - V. Collier</p>	<p>The complainant alleges that he was falsely arrested for operating a motor vehicle while impaired by drugs on April 28, 2017. The complainant further alleges that when the arresting officer asked him if he had anything to drink he replied “No!” The complainant further states that he then informed the officer that he had just woken up and had gargled with Lavoris mouthwash. The complainant also alleges that he was told the encounter with the police was being recorded. The complainant attests that had his interactions with the officers been preserved on video, he would have been vindicated. The complainant additionally alleges that his blood was taken without his consent by the arresting officer.</p> <p>Allegation(s):</p> <ol style="list-style-type: none"> 1. Conduct Standards (1ct) 2. Evidence Handling (1ct) 3. Arrest Authority (1ct) 	<ol style="list-style-type: none"> 1. Conduct Standards: Unfounded – where the review shows that the act or acts complained of did not occur or were misconstrued. 2. Evidence Handling: Unfounded – where the review shows that the act or acts complained of did not occur or were misconstrued. 3. Arrest Authority: Unfounded – where the review shows that the act or acts complained of did not occur or were misconstrued. 	<p>The Board has made the following findings as to the conduct of the specific officer involved:</p> <ol style="list-style-type: none"> 1. With regards to the allegation of improper Conduct Standards, the CPRB reached a finding of Unfounded. 2. With regards to the allegation of improper Evidence Handling, the CPRB reached a finding of Unfounded. 3. With regards to the allegation of improper Arrest Authority, the CPRB reached a finding of Unfounded.

New Complaints

The Board received 11 new complaints during the fourth quarter: CC2022-030; CC2022-031; CC2022-032; CC2022-036; CC2022-035; CC2022-037; CC2022-038; CC2022-041; CC2022-040; CC2022-044 and CC2022-042.

Of the 11 new complaints, two cases were closed because they were withdrawn by the complainant.

The CPRB occasionally receives complaints that fall outside of the Board's jurisdiction. When that occurs, the complainant is notified and referred to the governmental entities with the jurisdiction to process their complaint.

Of the 11 new complaints, one case was determined to be outside of the Board's jurisdiction.

Remote Electronic Record Access to Improve Complaint Review Process

The confidentially agreement that would enable the CPRB to have remote access to evidence was executed on November 8, 2022.

New Investigations

The Board did not vote to independently investigate any new cases in the fourth quarter of 2022.

At the end of the reporting period, there were four active independent CPRB investigations.

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 11 complaints filed, the Board appointed a monitor to observe OPS investigations of 1 complaint.

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 2 complaints to mediation this reporting period; the cases are expected to be resolved by early 2023.

Grievances

Grievances are complaints received by OPS from community members who do not want to submit a formal complaint.

The Board received 1 new grievance form from OPS in in the fourth quarter of 2022.

Chief's Quarterly Report of Disciplinary Investigations and Action

The Albany Police Department reported that there were no disciplinary actions taken by the department, against any sworn members of the department, during the first three quarters of 2022 (January 1 through September 30, 2022).

CONCLUSION

The Community Police Review Board continues to work collaboratively with the Albany Police Department, the City of Albany, and the communities served by the Board.

Respectfully submitted,

Hon. Leslie E. Stein (Ret.)
Government Law Center of Albany Law School

Nairobi Vives, Chair
Approved by and submitted on behalf of the
Community Police Review Board

Approved by the CPRB: February 9, 2023

APPENDIX A: DEFINITION

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.

APPENDIX B: BACKGROUND AND BOARD MEMBERSHIP

BACKGROUND

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 Board members. In a unique arrangement, the Government Law Center (GLC) at Albany Law School provides substantial support services to assist the Board in its duties and responsibilities.

In November 2021, the Board was granted additional powers and duties by the ratification of Albany Local Law J of 2020. During the period covered by this report, the Board has been in a transition process to be in a position to fully exercise those new powers and meet its new responsibilities.

Most of 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. More information on the Board and a copy of Local Law J of 2020 can be found on its website, albanycprb.org.

BOARD MEMBERSHIP

The following members¹ constituted the CPRB during the third quarter of 2022:

1. Nairobi Vives, *Chair*;
2. Veneilya A. Harden, *Vice Chair*;
3. Paul Collins-Hackett, *Secretary*;
4. Kevin Cannizzaro;
5. Reverend Victor Collier;
6. Zach Garafalo;
7. Matthew Ingram;
8. John Levendosky; and
9. Victor Person

As of September 1, 2022, there were no vacancies for Common Council and mayoral appointments.

¹ To learn more about Board members, see Appendix C: Board Member Biographies.

APPENDIX C: 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

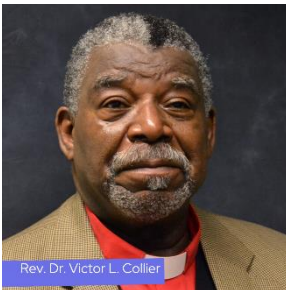


Kevin Cannizzaro

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.



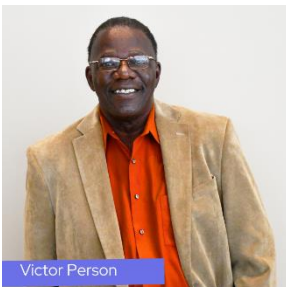
Antoinette Santos

Antoinette "Toni" Santos was appointed by the Common Council on December 19, 2022 to replace Zachary Garafalo, whose term is expired on October 26, 2022.

Antoinette "Toni" Santos is a retired New York State employee with over 35 years of state service. Ms. Santos began her career in 1982 as a Mental Hygiene Therapist Aide (MHTA) at Pilgrim Psychiatric Center (Brentwood, NY), ending her career in 2020 as an Affirmative Action Administrator II with the New York State Governors Office of Employee Relations (NYSGOER).

In 1986, Ms. Santos began her career in Law Enforcement with the New York State Department of Corrections and Community Supervision (NYSDOCCS) as a Corrections Officer. Upon being afforded several opportunities for career advancement, she achieved the rank of Assistant Deputy Superintendent/PREA (Prison Rape Elimination Act) Compliance Coordinator and, in 2014, became a certified PREA Auditor with the Department of Justice (DOJ). While employed with NYSDOCCS, she received specialized training regarding Security Threat Groups, Crisis Intervention, Investigative Interviewing and basic Firearms/Chemical Agents training.

As a recent retiree, Ms. Santos is currently a member of the Board of Directors as the Vice President and kitchen volunteer at the South End Children's Café in the South End of Albany, NY. The mission of the South End Children's Cafés is to address food equity and food insecurities, enhance our youth's academic success, and positively influence their physical and mental health by offering free, healthy meals and after-school homework assistance.



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



Zachary Garafalo

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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.

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*Term ended October 2022

