



**CITY OF ALBANY
COMMUNITY POLICE REVIEW BOARD
PUBLIC MONTHLY MEETING
MEETING MINUTES**

*February 09, 2023, at 6:00 p.m.
Albany Law School, Room W212*

I. CALL TO ORDER AND ROLL CALL (N. Vives and V. Harden)

Chair Vives called the meeting to order at 6:00PM.

BOARD MEMBERS PRESENT: Nairobi Vives, Dr. Veneilya Harden, Matthew Ingram, John Levendosky, Victor Person, Antoinette Santos, and Kevin Cannizzaro.

OTHERS PRESENT: CPRB Program Manager Michele Andre, GLC Deputy Director Patrick Woods, Office of Professional Standard (OPS) Commander Joshua Laiacona, Assistant Corporation Counsel Raisi Mobebe and Matthew Toporowski, and Consultant Andrew Lah.

II. APPROVAL OF THE AGENDA (N. Vives)

John Levendosky moved to approve the agenda. Upon motion and second, the agenda was approved.

III. PUBLIC COMMENT

There was no public comment.

IV. REPORT FROM MOEEL LAH FAKHOURY LLP (A. Lah)

Andrew Lah shared that they continue to support the Board in implementing Local Law J. They have an upcoming training with the Board, with the next set for February 20, 2023. There are several moving pieces the Board is pushing forward, and their firm is happy to support you through the process and answer any potential questions. There were no questions.

V. CASE REVIEW/UPDATE

No report.

VI. COMMITTEE REPORTS

BYLAWS AND RULES

(K. Cannizzaro)

Chair Vives reported there are a lot of updates that are going on with the Bylaws and Rules Committee. Board member Mr. Kevin Cannizzaro reports that the Bylaws and Rules Committee met one week ago and approved some changes to the Bylaws and Rules that GLC interns worked on. Mr. Cannizzaro says more changes are needed, but they are in an excellent place to start.

COMMUNITY OUTREACH

(P. Collins-Hackett)

Board member not present. Several outreach events coming up in February, per Chair Vives that are open to the public and will help explain the history, present, and future state of the CPRB to the public, as well as their community rights to file a complaint at the Main Branch of the Albany Public Library on February 15.

An additional second event is on March 2 at Albany Housing Authority, serving as a continuation of the February 15th discussion. Additionally, the Board will be tabling at the New York State Association of Black & Puerto Rican Legislators' 52nd Annual Legislative Conference Craft Expo and Business Fair on Saturday, February 18. Ms. Andre has sent invites for Board members to sign up to table at the event. Additionally, Ms. Andre shared that an iPad came in so people can submit complaints and subscribe to our listserv at community outreach events.

MEDIATION

(V. Collier)

Board member Dr. Veneilya Harden provided a report on behalf of Rev. Victor Collier. The mediation committee is working towards getting education out regarding mediation. They are seeking to collaborate with APD on mediation and education of new recruits. The mediation website page is also now live. We hope to use the website as a new tool to promote the mediation program.

INVESTIGATION

(J. Levendosky)

Board member John Levendosky reported that the committee had two productive meetings. They met with the new contracted investigators at TNM and went through their current list of offenses as defined by APD and spoke about cases requiring further investigation.

Mr. Levendosky reports that complaints have been addressed and designated with regard to investigations. The committee is looking into the Jordan Young incident and the officer-involved shooting from June 20th that the board voted on in June.

With regards to contract investigator Conroy, he is looking into Juneteenth complaints that were received last June. He is also looking into Arch Street complaints.

Mr. Levendosky reports that there have been seven complaints since the last meeting, with one out of the jurisdiction and another withdrawn completely. The committee worked on changes that make documents and forms more inclusive. They continue to work on standardizing reports. The committee is looking at the budget for investigations and tracking and reporting finances. They are also looking to develop and solidify operating procedures and create an investigative protocol. Committee thanked Chair Vives.

POLICE DEPARTMENT LIAISON

(V. Harden)

Board member Dr. Veneilya Harden reported that the committee meets every month with APD and its Office of Professional Standards. They are really working on education with new recruits. Dr. Harden looks forward to collaborating with Board member Mr. Ingram on the curriculum for that new recruit training. They are still finalizing dates and as such are not sure if it will be in April, May, or June.

There have been no issues so far with Board members being able to access evidence.com and things of that nature as it pertains to the agreement. There was an update on the Arch Street incident and the commander is expected to report by next Friday.

PUBLIC OFFICIAL LIAISON

(N. Vives)

Chair Vives reported that the committee will begin meeting with the Mayor, Chair of the Common Council's Public Safety, and the Chief of Police to continue to work together on updates for the board and other important matters at the end of the month. There was a public meeting to discuss the Disciplinary Matrix project, Vives thanked all parties involved for their help and contributions.

REPORT FROM THE GOVERNMENT LAW CENTER

(M. Andre, P. Woods)

CPRB Program Manager Michele Andre has items for the agenda to put forward for approval. The annual report for the year 2022, the 2022 fourth-quarter report, as well as the adopted budget which was worked on with the Chair and approved by Bylaws and Rules. Amendments ensuring bylaws comply with City Code have been pending Board review for over a year. These are Non-Local Law J amendments that have been worked on. Ms. Andre is also putting forth meeting minutes from February 4th's special meeting and January 12th's Public Monthly Meeting.

Ms. Andre discussed events, there were several the chair mentioned on the 15th. At the Reimagined Public Safety event, the Commander and Deputy Chief will be joining for the discussion. Ms. Andre has been working on coordinating and planning all of that. Shel Miller helped tremendously with graphics and related needs. The event is fully planned, and they look forward to member participation.

Ms. Andre and the GLC have also been sending invites to events to students to make sure they know they are there. There is another meeting in this series on March 2nd being worked on right now, gathering sponsors, catering, and other interested parties.

Ms. Andre is looking forward to participating in the caucus next weekend. Albany CPRB is participating and looking forward to talking with constituents.

Ms. Andre reported that February has been busy, and she may miss some things. All committee meetings have been scheduled for the year. Ms. Andre assisted with the page for mediation as well as the discipline matrix. Getting forms together and working with Rania on some materials to get the information out there. Shel Miller has helped with graphics and information. They continue to work and try to improve the process.

Ms. Andre and Chair Vives are participating in a panel on the Racialization of Modern Policing for the First Monday's program at Albany Law School. Ms. Andre also just scheduled a meeting with Rochester's Police Accountability Board to discuss disciplinary matrixes to figure out their process, what they went through, and any notes to assist in the creation of Albany's. Ms. Andre is looking forward to continuing the conversation and supervising interns to get research done to provide to committees.

Ms. Andre created a document with allegation classifications. This is something that has been asked for. This document is pretty common in a lot of jurisdictions; it saves time having to refer to general orders every time a specific definition is needed. It also cites City Code, which the Board has to abide by.

Ms. Andre added that she got business cards for the contract investigators, which was done rather quickly and thanked the GLC and Albany Law School for getting that done.

REPORT FROM THE OFFICE OF PROFESSIONAL STANDARDS (J. Laiacona)

Commander Laiacona reported that he met with TNM 02/09/2023. It was a frank and productive conversation. There are some areas where procedure needs to be worked out regarding their partnership and information sharing. Notes that this is the first time CPRB is conducting their own independent investigations. Believes things should start going smoothly very soon.

There is a scheduled meeting with the other contractor next week on Thursday (02/16/2023) at 2pm and they hope to have the same sort of productive and good conversation with them as well.

Commander Laiacona reported that, regarding the disciplinary matrix, he was able to go through what the GLC interns put together and found that some things were missing. He does not believe that the materials online are complete. Commander Laiacona spoke with Mr. Ingram and would like to try to give a copy of the complete general orders on a thumb drive. The Commander will be turning this document over to his Training Lieutenant.

Commander Laiacona reported that the OPS have a Policy Officer that does clerical work and keeps the office updated on policy. The commander is going to give the Policy Officer the document and the General Orders and have him go through it and make suggestions based on what is needed. Hopes to have this completed over the weekend. Offered overtime to officers in order to get this done quicker.

Commander Laiacona reported that the academy start date is tentatively May 1st. They hope the hiring process is running smoothly and continues to do so. They are on time with their civil service meeting and obligations through that process. The OPS would love to get the career curriculum from the Board a few weeks prior to the start of academy so they can submit it into the State and DCJS so everything may be approved. OPS is more than willing to provide the Board with more training time, 2 hours versus 1 hour, if desired.

Commander Laiacona apologized for failure to get back the South Station Letter. There was an informal discussion about it in the Police Liaison Meeting, and the Commander will get those details into a formal letter and response as soon as he can.

No further updates, opened for questions.

Commander Laiacona reported that OPS should be sending updates regarding outstanding complaints tomorrow (02/10/2023) for case management spreadsheet, if not tomorrow, hopefully early next week.

Chair Vives asked about issues regarding information sharing. Commander Laiacona said there are discussions they must continue to have regarding issues that relate to ongoing criminal matters. This discussion is one the Police must have internally in order to determine how that will work. Chair Vives requested to keep the Board updated on internal conversations.

Commander Laiacona says this lack of policy definitely could impact some of the ongoing investigations that have ongoing criminal investigations. Commander and Police Department are trying to determine what is appropriate to share that will not alter the results

of the independent investigation, as they want investigators to draw conclusions on their own.

Commander Laiacona drew a distinction between a monitor and an investigator and thinks it is important that those functions remain separate. The Commander explained how normal third-party investigations take place, in that they can see evidence, but not officer summaries or conclusions. The Commander feels it is not appropriate for an investigator to look at confidential reports, but CPRB members or monitors can. The commander thinks it would be horrible for integrity of independent investigations if they could view confidential reports.

Ms. Andre wants to know when remote access to evidence will be granted. Commander Laiacona says it should be quick, though Ms. Andre notes that the request was submitted two weeks ago. Commander says they got contact information as needed in meeting today.

Chair Vives wants a formal decision on information sharing in writing so it can be discussed at police liaison meetings. Commander Laiacona says that before a written product is prepared, they will discuss it in a police liaison meeting.

Commander Laiacona says instructors at the academy are comfortable with giving recruits homework on behalf of the Board.

Mr. Cannizzaro asked for clarification of information sharing issues. Mr. Cannizzaro asked for Commander Laiacona to remind the Board about current procedure and the OPS investigations process. Mr. Cannizzaro believes their investigators should have the same access as OPS. Mr. Cannizzaro does not understand the reason for the difference in treatment and wants to avoid undue delay of investigations. Commander wants to share as much information as he can but wants to also do what is reasonable for the criminal and administrative sides of the Police Department. Commander Laiacona cannot unilaterally make decisions, and must discuss with colleagues before making any promises.

Mr. Cannizzaro is concerned that, after 6 full months of discussion on this issue, these concerns never came up. Mr. Cannizzaro wants the Board to be kept up to date on decisions pertaining to information sharing and stated Commander's rationale does not make sense to him, as the investigators have confidentiality agreements that should ameliorate any concerns regarding confidentiality. Mr. Cannizzaro does not understand the concerns of Police Department in this matter.

Chair Vives shares the concerns of Mr. Cannizzaro and wants him part of these discussions.

No further questions.

REPORT FROM THE CHAIR

(N. Vives)

Chair Vives says she will keep her report short.

Chair Vives reiterated all of the hard work that the committees are doing and is appreciative to the members for their hard work. She encourages participation in community outreach events as it is important that the community gets to know the Board and Board members.

Opened for questions.

Mr. Ingram had a question about when to call Board run internal investigations “investigations” when they do not have the means for a formal independent investigation.

Chair Vives reiterated that board cannot run these investigations independently, and that is why they need to be good stewards of the budget in order to be able to pay for the services necessary. The Board is trying to be creative with the money they have as they need the money they get to fully utilize their powers.

Ms. Andre added that she sent out an updated complaint flow chart to explain the process a complaint goes through when not being investigated or monitored. This chart was shared with the full board weeks ago and can be reshared. Currently, with the resources had, certain cases will be decided on a case-by-case basis. They do not have the resources to investigate every case. There are 111 active, open cases growing every day, to the best of Ms. Andre’s memory.

Chair Vives added that the Board is paying contracted investigators hourly but is looking into hiring staff investigators. They are looking into being structured as a City Department and as such continue pushing the Common Council and Mayor’s office.

Chair Vives views it as her responsibility to make sure people understand the Board’s work, why they need the resources they need, and ensure greater support for their work.

REPORT FROM CORPORATION COUNSEL

(R. Mobele)

Mr. Matthew Toporowski says the disciplinary meetings are going well. The GLC interns created extremely helpful documents for reference. They had a good meeting on the 9th with the TNM investigators. Received advice regarding questions on applicable statutes of limitations.

Mr. Raisi Mobele says both contracts are officially fully executed.

VII. NEW BUSINESS

(N. Vives)

2022 Annual Report

Chair Vives moves to approve, opens floor for questions and comments. Second was given.

Unanimously approved, no abstentions or opposition.

2022 Fourth Quarter Report Budget

Mr. Levendosky made a motion to approve the 2022 fourth quarter report. Mr. Ingram seconded. Opened for discussion.

Unanimously approved, no abstentions or opposition.

2023 CPRB Adopted Budget

Michele Andre noted that, with regards to the stipends submitted to auditor's office, they should be divided on a monthly basis. The stipends will be given in the form of \$250 per month, instead of a \$3,000 lump sum. This seeks to avoid issues with Board members potentially leaving. The Common Council is working on ordinance to codify stipends into the CPRB Code.

Motion to approve made, second given. Opened for discussion.

Unanimously approved, no abstentions or opposition.

Approval of Adoption of Bylaws and Rules

Mr. Cannizzaro raised one issue with the bylaws and rules. At Page 3, under removal for other misconduct, section 7(c), had a discussion regarding term "serious misconduct." Mr. Cannizzaro would like to know if "serious misconduct" should be defined or kept more general, or if it should perhaps include examples of such misconduct.

Board responses indicate openness to keep things more general to allow for greater discretion in the future. Thinks current language is sufficient. Chair Vives believes in keeping it as is.

Motion to approve and second given.

Unanimously approved, no abstentions or opposition.

Approval of Minutes from January 12 and February 1st Meetings

Motion to approve and seconds provided.

Unanimously approved, no abstentions or opposition.

VIII. ADJOURNMENT

There being no further business, the meeting was adjourned at 7:05 pm.

Respectfully Submitted,

Michele Andre
Program Manager