



**CITY OF ALBANY  
COMMUNITY POLICE REVIEW BOARD  
CPRB STANDING COMMITTEE  
ON DISCIPLINARY MATRIX  
MEETING MINUTES**

*March 9, 2023, at 6 p.m.  
Albany Law School, Room W212*

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**I. CALL TO ORDER AND ROLL CALL** (N. Vives)

Chair Vives called the meeting to order at 6 PM.

**BOARD MEMBERS PRESENT:** CPRB Chair Nairobi Vives, CPRB Vice Chair Veneilya Harden, John Levendosky, Victor Person, Antoinette Santos, Matt Ingram, Kevin Cannizzaro, and Dr. Victor Collier.

**OTHERS PRESENT:** CPRB Program Manager Michele Andre, Andrew Lah, Commander Laiacona

**II. AGENDA** (N. Vives)

Chair Nairobi Vives called the meeting to order and moved the public comment period to after all of the reports are heard. Upon motion and second, the agenda was approved.

**III. REPORT FROM MOEEL LAH FAKHOURY LLP** (A. Law)

Andrew Lah explained that his firm is working with the board on mediation, bylaws, and other projects.

**IV. CASE REVIEW** (M. Ingram)

The first case involved an officer pushing the complainant to the ground at a supermarket. They took his tote bag and threw it back to the complainant out of the window of the patrol car. The original OPS report was reviewed in conjunction with the complaint. There was

no body camera footage. There was no disciplinary history that was reviewed. In reviewing the footage, it is clear that there is some interaction that takes place in front of the patrol car, but the complainant was never pushed to the ground. The complainant puts their tote bag on the ground and walks away. The officer then takes the bag because the complainant leaves it behind. There is no footage of the bag being returned. It is clear from the footage that the complainant was never pushed and it appears that the officer did not take the bag for no reason because the complainant was abandoning his bag. The only discrepancy is why there was no body cam footage or dash cam footage.

Commander Laiacona does not know why there was any footage from the officer but is open to investigating and asking the detective why nothing was recorded.

Board Member Ingram proposed to vote on the two issues of being pushed to the ground and the taking of the tote bag and tabling the body cam footage to a later meeting. He also explained that body camera footage would've helped clarify all of the issues from this complaint.

Board Member Collier expressed that it is troubling that the police cameras were not operating.

A member of the public asked Commander Laiacona about retrieving the abandoned property policy and Commander Laiacona explained that it is normal procedure to take property and bring it to the department to be retrieved if property is left behind.

Vice Chair Harden was reluctant to continue discussing this case because she did not believe there was enough clarification given describing the physical encounter and any verbal encounters. Without audio and other visuals, there may be other viewpoints to consider. Chair Vives agrees and confirms with Commander Laiacona to try and table this to the next meeting and get some work done in the meantime. Matt withdrew his original motion and amended it to table this to the next meeting. It was seconded.

Board Member Cannizzaro asked Commander Laiacona to provide a report detailing why it has taken OPS so long to get this case resolve and Commander Laiacona said that he would do so.

Board Member Ingram began his next case review from Jan 10, 2020. The police dragged the complainant out of their ex's apartment. The complainant said they were dragged through the snow with no shoes and hit their head on the cop car. Once in the station, the complainant continued to complain that the handcuffs were too tight. She was mishandled by two cops and was in the hospital with bruised ribs. The complainant was arrested and there was a stay-away court order. The next week, the complainant was arrested again for violating that court order. The complainant said they were not near the male parties house and was not sure why they were being arrested.

Board Member Ingram agrees with the OPS report. The complainant was inside of the males apartment and a physical altercation ensued. The officers were extremely calm and the complainant was yelling and was very active the entire time. She pulled out a knife and the officer took it away and put her in handcuffs so that she would calm down so they can continue investigating. The complainant tried to bite the officer and was falling to the ground. Mr. Ingram reiterates that he agrees with the APD's investigation and report. Throughout the interaction, the complainant was not only attacking the officers physically and verbally, but the complainant was throwing herself around causing herself injuries. Mr. Ingram offered a recommendation and moves to support the OPS recommendations that these findings should be unfounded.

Dr. Harden asked if there was any mental health evaluations done. Matt answers in the negative.

Ms. Santos asked Commander Laiacona what the protocol is if a person is in duress is in the back of a cop car. Commander Laiacona responded that if the complainant was in duress and needed EMS, they would've called for an ambulance.

The motion to follow OPS' recommendation was granted.

Board Member Cannizzaro explains that the CPRB needs to have access to more information. The law requires full disclosure and the CPRB feels as if they are not getting all of the information. Community oversight only works if the board is given the entire file and all of the available info. Commander Laiacona did not believe this was an ongoing issue but requests a list from the CPRB to make sure OPS can fix these expectations. Chair Vives reiterates that the full range of information that is provided to OPS should also be provided to the board.

Board Member Ingram began his last case from May 7, 2022 at Memorial Hospital. Complainant went to the hospital to receive medical care. There is no OPS report because this is an ongoing investigation. There are 5 issues identified in this complaint. One is the complainant was voluntarily leaving the hospital when she was forcibly stopped by the APD officer, excessive force used, disrespectful conduct, inappropriate takings of property. Board Members Ingram and Levendosky both agree that all of the issues are unfounded. There are body cam footage and dash cam footage. The complainant went to the hospital and she was asked to leave. Security was escorting her out when she became physically assaultive towards staff members. The officers were very calm and gentle as the complainant was being physically and verbally abusive. For each of the allegations, Mr. Ingram says that they are inaccurate and unfounded.

The Monitor agrees with Matt and says that his findings were similar to what she found and she reviews the allegations that Mr. Ingram stated previously. Mr. Ingram moved to find all of those issues to be unfounded and it was seconded.

## **V. Reports**

(Com. Laiacona)

Commander Laiacona gave his report detailing OPS just started the process with the contracted investigators and have resolved issues with Corp Counsel. There are no longer issues and they can continue. Citizens Police Academy is working on a week for training.

Dr. Harden asked Commander Laiacona for an update regarding the issue on Lark St. Commander Laiacona said he will respond with a letter in the next week. There have been staffing changed and they have added 3 detectives which will add efficiency and will help catching up on cases in back log.

Many members stressed to Commander Laiacona that they are worried they don't know what they are looking for when reviewing the entire case file. Some members believe they will overlook important pieces of the file or will be unaware that things in the file are very important. Similar to what was being stressed earlier, the members ask if it's possible to have a quasi-tutorial on what to look for when looking at a file.

Commander Laiacona offered a resolution to put in a checklist into each case file that will explain everything that is in every individual file. Chair Vives liked that idea because its important that there is full transparency. However, Chair Vives also wants a solution where the members will have direct access to the database.

## **VI. Public Comment**

A leader of Saratoga BLM was concerned that she has not received any information about the complaints that she has sent in. She was assaulted by police officers at a BLM protest and she has heard nothing from the board. She has received no phone calls or no notice that any investigation was underway.

Commander Laiacona said that the OPS would make sure she receives information about her complaints. She should have been contacted regarding her complaint. He also is unaware that her complaint was filed.

Dr. Harden offered an apology to the leader of the Saratoga BLM. Dr. Harden shares equal frustration that this has taken so long to resolve however she does not see that her complaint was submitted but it may have been. Dr. Harden also explains that this is an incredibly long process and there are many cases that are being resolved.

Chair Vives added that there is an investigator working on case and will reach out to get her information to make sure her complaint is properly heard.

Another member of the public commented that the investigations are taking too long. He also believes that the investigations should be more thoroughly investigated by listening to all sides of the story rather than only police body cams. He wants CPRB to issue a public statement regarding investigations and transparency.

Commander Laiacona responds in saying they have received 3 complaints and have not received some of the complaints that the gentleman was referring to. OPS launched an administrative investigation and investigating the 3 complaints.

Another public comment addressed that the individual has been waiting 2 years for his case to be reviewed. Chair Vives said that since the passing of Local Law J, the Board has more power and will be able to move further with investigating the individuals case. Chair Vives then moved to close public comment.

## **VII. Committee Reports**

### **Bylaws and Rules**

(K. Cannizzaro)

Mr. Cannizzaro discusses amending Section 7 to allow the board to remove any agent, employee, or contractor immediately if they misrepresent a material fact or their character. The second amendment adds section 10 which outlines a social media policy. Mr. Cannizzaro motioned to vote and adopt the bylaws. That vote took place during new business.

### **Community Outreach**

(P. Collins Hackett)

Community outreach has been going very well recently. There have been a number of public outreach events. All of the events have been very well attended and received by the public. Becoming more visible to the community. Everything has been going great.

### **Mediation Report**

(V. Harden)

Revised the CPRB operating procedures to include operator and mediator protocols. Section 7 A,C,J, and H were amended. Mediations won't be scheduled until both parties agree. The goal is to not have complainants waiting if no action towards mediation has been taken.

### **Investigation Committee**

(J. Levendosky)

Received updates from contract investigators. They are gathering as much information and evidence as possible right now to ensure that they are doing everything to perform their duties. They are updating the complaint form to make it more efficient and clear. There

have been 7 new complaints since the previous public meeting. Two of those complaints are potentially out of jurisdiction. One complaint is being recommended for mediation. There are 86 complaints that are currently being investigated. 31 of those are under supervisor review and 55 are currently under investigation by OPS. 18 complaints are waiting status updates by OPS and that does not include 21 complaints in HOR and 4 complaints that are being resolved through mediation. They are still finding ways to make the review process more efficient.

Julie Schwartz discussed how difficult it has been to receive necessary information. She doesn't understand why the information can't be shared more efficiently. It's a constant issue.

### **Report From the Chair**

(N. Vives)

Chair Vives gave her report for the Public Official Liaison Committee. They conducted their first meeting on February 28<sup>th</sup>. They discussed many of the issues that came up today including the back log and direct access of information. Those were not resolved in one meeting but it was a good start.

Board Member Cannizzaro mentioned that he requested the full collective bargaining agreements and would like to have access to that info.

### **Government Law Center**

(M. Andre)

Ms. Andre is going to be offering 2023 first quarter report for approval and meeting minutes from February 9<sup>th</sup> and February 22<sup>nd</sup>. There was a flyer that was created to promote the disciplinary matrix meeting with around 1,000 copies that were distributed throughout the community.

There is a series in the works that focuses on reimagining public safety through community oversight. It has been very successful with around 40-50 participants. There is a scheduled police training (session 10) for APD academy new recruits for May. On March 24, the Board is scheduled to present on civilian oversight in Albany. Ms. Andre submitted a session proposal for the Chicago conference in November. Using the community and civilian oversight is a good topic to discuss. In regards to billing, Ms. Andre submitted paperwork for January, February, and March invoices. Business cards were given to contracted investigators so that members of the community know who they are when they are investigating. Additional giveaways were purchased for future community events and she wants to purchase an external drive to back up CPRB documents.

### **New Business**

(N. Vives)

Chair Vives thanks the board and various members for participating in the meeting. Chair Vives moved to approve the bylaws and amendments and it was seconded. The bylaws and amendments were approved. The motions to approve the mediators and operators amendments were also approved. The meeting minutes were approved. The 2023 first quarter report was also approved. Chair Vives motioned to enter executive session and Mr. Cannizzaro seconded.

## **ADJOURNMENT**

There being no further business, the meeting was adjourned at 9:06 pm.

Respectfully Submitted,

Michele Andre  
Program Manager