



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

*April 5, 2023, at 6:15p.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 6:15 PM.

**COMMITTEE MEMBERS PRESENT:** CPRB Chair Nairobi Vives, CPRB Vice Chair Veneilya Harden, Board Member Antionette Santos and Board Member Victor Person

**OTHERS PRESENT:** CPRB Program Manager Michele Andre, Assistant Corporation Counsel Matthew Toporowski, Lieutenant Mahar, and OPS Commander Laiacona

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

Chair Nairobi Vives called the meeting to order and reported that the meeting will focus on discussing different discipline proposals. Chair Vives mentioned that there were some scheduling issues for the previous Thursday meeting but is glad that everyone was able to make it to this meeting.

**Discussion Regarding Training as Discipline** (Commander Laiacona)

Commander Laiacona began by outlining what OPS wanted to discuss throughout the meeting. He noted that he wanted to discuss findings related to New Paltz matrix and discuss the Baltimore matrix.

Lieutenant Mahar discussed the New Paltz matrix. The mitigating and aggravating factors did well for correcting behavior rather than just punishing the officers. Lt. Mahar listed some of the aggravating factors that he thought were important to include.

Commander Laiacona said that creating a subjective standard regarding effecting operations of the office or community is important. The subjective standard that New Paltz highlights is very broad and too open to interpretation.

Chair Vives agrees that working on an objective standard is a good idea to ensure that the standard is set for future board members to come.

Commander Laiacona explained that the OPS really likes all of the mitigating and aggravating factors listed in the New Paltz matrix. Reading through all of the factors and considering adding them into the overall matrix is beneficial.

OPS submitted a document that discusses some alternative discipline processes, one specifically coming from Los Angeles County Sherriff's Department. It worked very successfully for their department.

Lt. Mahar explained that negative punishments can have severely adverse effects on members of the department. If the employee can take ownership of their actions and can take part in their punishment process, there is much more of a buy-in on behalf of the employee. Some of the adverse effects of negative punishments include the employee having negative feelings towards the department, not working as hard as they could, and possibly being dishonest in the future. Sometimes loss of leave or loss of pay could not only have an effect on the officer, but also their family.

The alternate discipline that is being suggested is counseling and training. With training and counseling, behavior can be better corrected and addressed. With the counseling and training method, the strategies can be utilized to mitigate bad behavior before it has adverse effects on the department.

Lt. Mahar explained LA County's discipline system, adding that the education and training method would be in lieu of suspension. Instead of serving a 5-day suspension, the officer can take courses that are very related to the specific incident. It is optional on the employee; they can take the suspension or they can take the education.

Commander Laiacona agreed with Lt. Mahar and added that when you just suspend and officer and send them home, it would be more beneficial to have them in a classroom for 5 days and learning why the conduct was wrong rather than just being home and not learning. It has worked well for LA Sheriffs dep. They did a study over 5 years and 10% of those employees did not have another incident.

Chair Vives responded that 10% seems low and asks if that is an average benchmark.

Commander Laiacona was not sure if that was a low average and will do more research.

Member Harden asked about the data and what they were comparing it to in the study.

Lt. Mahar said that there are 3 classifications for disciplinary measures. There is a whole matrix under than discharge, they can use this model for any policy violation or off duty violations. Dismissal charges and demotion are not apart of this model.

Ms. Andre asked how many training days would be effective to change behavior.

Lt. Mahar said that the handful he has done has gone from 8 hours to 24 hours of training; it depends on the type of violation. A traffic infraction would need less hours than a major infraction. It is hard to tie a certain number of hours to a certain infraction. The trainings and number of hours needed will be specific and situational to every incident. Commander Laiacona added that this would be part of the discipline matrix. This method may only work for lower category offenses. He said that training and counseling are very valuable when it comes to discipline. It is not only about punishing or revenge, there is a need to correct behavior.

Chair Vives added to Ms. Andre's question and explained that over the last meeting they discussed this issue at length. There is a spirit of rehabilitation and training is important. Chair Vives asked if the officer would be allowed to be off duty but still working at training. Training technically would be work? The officer would be suspended with pay to do the training?

Lt. Mahar answered that the officers would be getting paid during this process. Every 4 hours is a day of suspension. Commander Laiacona said that this is a forward looking, progressive tactic. He reminded the committee that if an officer does something egregious, this will not work for them. The board would need to consider how far the training and education should reach in regards to major incidents.

Chair Vives said this reminds her of the mediation process. Its an alternative to learn instead of just be punished. Her follow up question was whether the OPS considered that being optional, in the matrix will there be any incidents that will have required training?

Commander Laiacona responded that it would make sense that there would be required training to complete. Lt. Mahar stated that this was a requirement in the past. It is a viable option to have required training.

Chair Harden asked how this would help with shifting culture and work as a deterrent.

Commander Laiacona answered that a suspension will stay in the officers file. The training record should probably remain in the officers file.

The training part of the matrix will most likely not be used for the more egregious situations. It is best used for more minor incidents.

Matt discussed creating the standard and how difficult that may be. Many complaints the Board will receive will be on different levels and will range. Part of the standard should reflect the egregiousness of the conduct. It is hard to figure out what is egregious but it comes down to how this effects the community and the department and the relationship. The balance is how egregious the conduct is with how much of an effect it has on the community. Using factors to determine objectivity might help.

Commander Laiacona says some factors to consider could be on duty vs off duty, were they known to be a police officer, or were they acting in the role of being an active police

officer. Creating categories of offenses is important for this to be effective. The training unit is currently working on that and will have it ready for the next meeting.

Chair Vives asked Lt. Mahar about the LA County program and whether there is follow up built in. Is there a supervisor that checks in or pulling body cam footage to see if the training worked and to follow up with the employees?

Lt. Mahar said there is no specific information he has seen regarding the follow up procedure. However, Lieutenants to that regardless. He agrees that would be good policy.

Chair Vives thinks this is progressive training model is beneficial. More information about the LA County program would be helpful to fully understand the best way to implement this type of strategy.

Commander Laiacona agreed and explained the discipline can also be training. The only difference is that it is not punitive discipline. There is room for the public to know what training must occur for specific violations.

Chair Vives believed that the meeting was very helpful and asked for the OPS to circulate a draft of the different categories for various punishments. This was a beneficial discussion. Chair Vives thanked everyone for joining and is looking forward to the next meeting.

## **ADJOURNMENT**

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

Respectfully Submitted,

Michele Andre  
Program Manager