



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

*April 13, 2023, at 6:00p.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 6:00 PM.

**BOARD MEMBERS PRESENT:** CPRB Chair Nairobi Vives, Vice Chair Veneilya Harden, Secretary Paul Collins-Hackett, Antionette Santos, John Levendosky, Rev. Dr. Victor Collier, Kevin Cannizzaro, and Matthew Ingram

**OTHERS PRESENT:** CPRB Program Manager Michele Andre, GLC Patrick Woods, Assistant Corporation Counsel Matthew Toporowski, Assistant Corporation Counsel Raisi K. Mobebe, Albany Police Department (APD) Lieutenant Thomas Mahar, APD Sergeant Stephen Sayre, the Office of Professional Standards (OPS) Commander Joshua Laiacona, Julie L. Schwartz and James P. Conroy.

**II. APPROVAL OF AGENDA**

(N. Vives)

Chair Nairobi Vives called the meeting to order and moved to approve tonight's agenda. Chair Vives moved the public comment out of order following the case review and update.

**III. REPORT FOR MOEEL LAH FAKHOURY LLP**

(Andrew Lah)

Consultant Andrew Lah from Moeel Law Fakhoury reported that they have been working with the CPRB to implement new structures and strategies to deal with the large backlog of cases. There will be a 4<sup>th</sup> Amendment weekend training series this Saturday for the Board Members.

**IV. PRESENTATION FROM ALBANY LEAD**

(Robert Ward)

The Albany LEAD Project Manager Robert Ward stated that Albany LEAD and CPRB are two important reform efforts in Albany. Mr. Ward explained that LEAD is an operational partnership that includes the APD, the Mayor's Office, and the DA's Office. LEAD offers services for constituents and is part of a continuum of services to help citizens deal with mental illness. Last year there were 26 diversions. Mr. Ward further added that LEAD works to prevent individuals from being incarcerated. LEAD is trying to focus on diversity and added options to increase its outreach opportunities. One way they are getting more clients is by making it more broadly available by making different crimes eligible for LEAD services.

## **V. CASE REVIEW AND UPDATE**

### **CC2018-018**

**M. Ingram**

Board Member Matthew Ingram explained that his cases for review are updates from the previous hearing/meeting. Ingram reported that there were questions that remained on why there was no body camera footage by either officers or dash camera footage. Ingram followed up with OPS and contacted the Detectives on the case and was able to access the evidence. Ingram reviewed the new materials that resulted from OPS's new investigation. General Order (GO) 3.2.15 is the GO that addresses body cameras, and accordingly, the body cameras shall be utilized during street encounters. The officer recalled that his body camera should've been activated. There is no footage because the first officer never activated the body camera. The second officer also did not activate his body camera. However, it is possible that the body footage was deleted.

Ingram asked Commander Joshua Laiacona if a video is deleted, are the logs also deleted? Commander Laiacona said he would look into that. If the video is classified as miscellaneous, it deletes automatically in 365 days. However, Commander Laiacona was not sure if the log had deleted itself. Commander Laiacona believed the officers probably put their cameras on but designated the recordings as miscellaneous, so they deleted them. Commander Laiacona said that he would review the policies. Ingram moved to table the case until Commander Laiacona could get more information regarding the body-worn camera.

### **CC2020-004**

**M. Ingram**

Ingram reported that he has around 12-15 hours of footage that needs to be reviewed. Part of the reason this is delayed is that this video is not able to be formatted to be uploaded and viewed remotely. Matt moved to table this case at the next meeting.

### **CC2019-030**

**V. Harden**

Vice Chair Dr. Veneilya Harden report that this case was submitted on October, 2019. Dr. Harden explained that she looked at 8 different body cam footage and read the complaint. The complainant went to the Police Station to file charges. There were many disputes between the landlord and the tenant regarding refrigeration setting, tampering with cameras, and an alleged threatening with a broom. There were 6 counts of call handling in regarding to this complaint.

After review and deliberation of the investigation of your complaint by the Office of Professional Standards (OPS), the CPRB has made the following findings as to the conduct of the specific officer involved:

- With regards to the allegation of improper Call Handling, the CPRB reached a finding of **Not Sustained** and OPS reached a finding of **Unfounded**.

- With regards to the allegation of improper Call Handling, the CPRB and OPS reached a finding of **Not Sustained**.
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## **CONSIDERATION OF INDEPENDENT INVESTIGATION**

**CC2023-013**

Board Member John Levendosky reported that a complaint of allegation of improper investigation in a case of allegation of sexual abuse of a minor. The complainant stated the APD detectives were notified about the child abuse and the Detectives did not conduct a proper investigation. Because of the seriousness of the complaint, Levendosky made a motion to approve CPRB independent investigation of complaint with seconded, approve unanimously.

## **SUBPOENA CONSIDERATION**

(Julie Schwartz)

Julie L. Schwartz, T&M Managing Director of Investigations, updated the Board on serious issues with moving forward on CPRB independent investigations/cases. Ms. Schwartz reported that the two issues that the request for a subpoena for police officers comply with CPRB investigations and the City release refusal of witnesses' interviews and statements. Ms. Schwartz mentioned that she had been told by both the union and the police department that they would do nothing to help provide Police Officers for investigation. Ms. Schwartz has provided the Board with the subpoena for the board to vote on. She asked the board to approve the subpoena that can be used to subpoena Police Officer interviews/statements.

The second issue Ms. Schwartz is having is requesting documents. Local Law J gives the Board the power to the entire case file. They have asked for witness statements, and they have been denied. If they want it, they have been told they must subpoena it. It is a lack of understanding of what the law is. The option is to subpoena the documents, but Julie does not want to because the Board is entitled to the case file, which includes everything in the file. APD can't pick and choose what to provide. Subpoenaing the files will set a precedent that concedes that the Board does not have the legal entitlement to the entirety of the case.

Board members raised issues as to the lack of cooperation between the APD and the Board.

This was another meeting with APD leadership, and Assistant Corporation Counsel Matt Toporowski was not present to respond to Board's concerns and answer questions. Assistant Corporation Counsel Matt Toporowski left the meeting early before this agenda item.

Board member John Levendosky made a motion to approve subpoenas for Police Officer Matthew Friedrich, Patrick Guiry, Salvatore Sturiale and Sergeant Daniel Kohler in connection to an independent investigation which was seconded, and the motion was approved.

## **CONSIDERATION OF CASE CLOSURE**

Board member John Levendosky made a motion to close Complaint CC2022-044 and CC2021-007 without review which was seconded, motion approved unanimous.

## **VI. COMMITTEE REPORTS**

### **BYLAWS AND RULES**

(K. Cannizzaro)

There was no update from the committee.

### **COMMUNITY OUTREACH**

(P. Collins-Hackett)

Paul Collins-Hackett reported that the Committee is finalizing videos for the Board and working with community groups to improve meeting attendance. Program Manager Michele Andre has actively been working on events for the Board to table at.

### **MEDIATION**

(V. Collier)

Board member Dr. Veneilya Harden provided a report on behalf of Rev. Victor Collier, who appeared virtually on Zoom. Dr. Harden reported that the committee hopes to develop greater public awareness of the mediation program on the CPRB website and in partnership with the Albany Police Department.

### **POLICE DEPARTMENT LIAISON**

(V. Harden)

Board member Dr. Veneilya Harden reported that the Committee and OPS continues to meet monthly. During the meeting, they worked on understanding the updates for the backlog of cases and the process and protocol for complains for grievance. There is an education opportunity that Matt Ingram will head up coming soon.

### **INVESTIGATION**

(J. Levendosky)

Board member John Levendosky reported that since the committee last met, the board has received 9 new complaints. The Board has received 19 OPS summary reports between 2022-2023 from 2022 and 2023. CPRB contractors from T&M have been investigating different matters and tried to request information as Ms. Schwartz explained earlier. Program Manager Andre has assigned 42 complaints to board members since the previous meeting.

### **PUBLIC OFFICIAL LIAISON**

(N. Vives)

Chair Nairobi Vives reported that the committee met at the end of March. The Mayor was unavailable, but Chief of Staff David Galin, Chief Equity Officer Jasmine A. Higgins, Chief Eric Hawkins, and Tom Hoey were present. The meeting's overarching theme was access to information. It is important that those at the highest levels are involved in some of these conversations. A meeting with Corp Counsel has been requested. It is the duty to bridge the gap to rebuild trust, and public meetings will help be as transparent as possible.

The last discipline matrix meeting was canceled due to miscommunication about APD attendance at these meetings, but APD agreed to continue to contribute to the meetings. Classifications of allegations from the APD are expected at the next meeting.

**GOVERNMENT LAW CENTER**

(M. Andre)

Program Manager Andre reported that the GLC is planning on starting sending monthly memo regarding active cases. There are many complaints that are years old. Getting through the old cases first is important so that the Board can dive into 2022 and 2023 cases.

The amended online complaint form was sent to Board members and OPS. The amended online complaint form will allow for more information from complainants which will be rolled out with our new case management system. Ms. Andre has been working on creating solutions to adding more public comment to some of the meetings and has analyzed the bylaws. CPRB will continue to contribute to panel discussions and events. There will be many events coming up soon and throughout the Summer for the Board to attend or table at.

Chair Vives reported that it has been a very busy month. This is Program Manager Michele Andre's one-year anniversary with the Board and she had helped the CPRB be efficient and has been a great addition.

Chair Vives made a motion to approve minutes from March 9, 2023, Public Monthly Meeting and April 5, 2023, CPRB Standing Committee on Discipline Matrix meeting which was seconded, motion approved unanimous.

**REQUEST FOR PROPOSAL LEGAL OUTSIDE COUNSEL DEADLINE APRIL 24, 2023**

The Board is looking for outside council so Chair Vives asks to keep spreading the word.

**ADJOURNMENT**

There being no further business, the meeting was adjourned at 7:51 pm.

Respectfully Submitted,

Michele Andre  
Program Manager