



80 NEW SCOTLAND AVENUE
ALBANY, NEW YORK 12208-3494
*Albany Community Police Review Board
c/o Government Law Center*

CPRB PUBLIC MONTHLY MEETING MEETING MINUTES

*October 12, 2023, at 6:00p.m.
Albany Law School, Room W212*

I. CALL TO ORDER AND ROLL CALL (V. Harden)

Vice Chair Dr. Veneilya Harden called the meeting to order at 6:00 PM.

BOARD MEMBERS PRESENT: Vice-Chair Dr. Veneilya Harden, Secretary Paul Collins-Hackett A.K.A. Batman, Victor Person, Antionette Santos, Rev. Dr. Victor Collier, Kevin Cannizzaro, and John Levendosky.

CPRB Chair Nairobi Vives was excused and Matthew Ingram was not excused for his absent.

OTHERS PRESENT: CPRB Program Manager Michele Andre, GLC Deputy Director Patrick Woods, Attorney Mark Mishler, and Attorney Michael L. Goldstein, Detective Keith Johnson, Detective Christopher Stiles and Detective Lieutenant Mark Decker.

II. APPROVAL OF AGENDA (N. Vives)

Vice Chair Dr. Harden called the meeting to order and moved to approve tonight's agenda.

III. CASE REVIEW AND UPDATE

CC2021-003 (A. Santos)

Board Member Antoinette Santos reported that the two allegations for this case involve improper call handling and conduct standards courtesy. Detective Johnson affirmed that the complainant did not waiver in her account of the events of 9/16/20. During her phone interview, no motive noted that the complainant provided false statements with any malicious intent. APD's response to call handling was no finding; the investigation revealed that another agency was responsible. Detective Johnson reviewed the call history for the City of Albany for 9/27/20; the detective also contacted the City of Rensselaer Police Department in an effort to obtain a copy of the phone call with negative results. APD's response to the Conduct Standard was Not Sustained, where the review failed to disclose sufficient facts to prove or disprove the allegation made by the complainant.

During the interview with OPS the respondent denied making any statements; Santos, however, finds the allegations to be sustained. There was a 2-year, 5 month and 5-day lapse between the initial incident and the date of the internal interview. There is a total of 886 days lapse between the submission of the complaint and the final receipt by the CPRB. The complainant believes that if the officer had been using his Body Worn Camera (BWC) or if the interview had taken place in a timely fashion, there would have been a clearer picture about the activities that took place in the lobby. The report was accurate and submitted in good faith. On 10/3/20, 27 days after this reported incident, an IDC was received by an unknown unidentified author. The author indicated the respondent was involved in a vehicle pursuit and failed to activate his BWC. On 10/20/20, a Lieutenant and Sergeant submitted IDC correspondence to both OPS and administrative services outlining incident 2026-3 in which multiple community members preferred multiple charges be placed against a respondent. This case review fell over the 1-year statute of limitations, during which disciplinary actions can be imposed or enforced there in accordance with the department's collective bargaining agreement. Some of the delay in regard to the case can be explained because they were waiting to see if the issue would go to mediation. Further, OPS explained that there is no recording in the lobby because of the sensitive nature of the cases that come in and the possibility of crime victims being around and sharing stories.

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

- With regards to 1 count of the allegation of improper Call Handling, the CPRB and OPS reached a finding of No Finding.
- With regards to 1 count of the allegation of improper Conduct Standard, the CPRB reached a finding of Sustained.
- With regards to 1 count of the allegation of improper Conduct Standard, the OPS reached a finding of Not Sustained.

Santos moved to have complaint CC2021-003 closed as reviewed, which was seconded, the motion was approved.

CC2020-020

(A. Santos)

The allegations are vehicle operations. The complainant alleged that a white APD SUV void of lights and sirens at this time drove passed a stop sign without properly stopping; then the complainant followed the vehicle and observed the SUV parked outside of center station approximately 14 minutes after the alleged incident. The observation indicated to the complainant that the vehicle was not responding to an emergency call, and finally, the complainant thought the officer might have been retaliating for other complaints they had filed. A review of the disciplinary file of respondent one, who was the driver vehicle, had four pages and three cited infractions. There was no sufficient evidence to prove or disprove the allegation; a review indicated that APD's OPS unit failed to respond to the allegation within a timely fashion. There was a lapse of 984 days between the submission of the complaint and the responses provided by APD officers. The officers also stated that they did not recall this event; Santos believes that if they had been interviewed quicker than they would have been able to respond differently. OPS findings regarding the allegations of vehicle operations was Not Sustained because the review failed to disclose sufficient facts to prove or disprove the allegation made in the complaint. Santos agrees that the findings of OPS of Not Sustained because there is no video evidence to review. OPS added that the delay in this case was because the case was proposed for mediation.

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

- With regards to 1 count of the allegation of improper Vehicle Operation, the CPRB and OPS reached a finding of Not Sustained.

Santos moved to have complaint CC2020-020 closed as reviewed, which was seconded, the motion was approved. The case was closed as reviewed.

CC2020-017

(A. Santos)

The allegations are vehicle operations, conduct standards courtesy, and departmental procedures. The facts involve a verbal exchange between the complainant and an officer, which occurred in the APD lobby. The complainant alleges that when they went to pick up a complaint form, the lobby officer held the form a couple of inches away from the complainant so that they had to reach for it. The complainant felt that if the APD officers were better trained then this interaction would not have been adversarial. The respondent provided an IDC dated 5/1/23 regarding this incident 2 years and 8 months after the alleged incident, where the respondent indicated that he was assigned to center station desk office during the C shift, and when reviewing the date, he was unable to recall the alleged event, the respondent also could not remember who if anyone else was involved in the incident. A review of the disciplinary file of the respondent had four pages and three complaints with only one infraction cited. For reckless driving and driving operations APD reported no findings which Santos concurs with because the complaint stated this is no longer an issue 3 years later. In regard to conduct standards courtesy, APD Detective Johnson found this allegation not sustained where the review failed to disclose sufficient facts to prove or disprove the allegation made in the complaint; Santos, on the other hand, found the allegation sustained. Santos found the complainant credible because of their ability to recall the facts and felt that based on her review of the facts that there was reason to believe that the report was accurate and submitted in good faith. Santos believes that if the officer had been using his Body Worn Camera or if the interview had taken place in a timely fashion, there would have been a clearer picture about the activities that took place in the lobby. Santos does agree that Detective Johnson's actions were exonerated because the complainant did eventually receive the complaint form. This case review fell under the 1-year statute of limitations during which disciplinary actions can be imposed or enforced there in accordance with the department's collective bargaining agreement. Santos moved to have complaint CC2020-0020 closed as reviewed. OPS explained that the lobby officers go over how many times the officers have to sit at the lobby desk and be prepared for civilian complaints during field training.

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

- With regards to 1 count of the allegation of improper Department Procedures, the CPRB and OPS reached a finding of Exonerated.
- With regards to 2 counts of the allegation of improper Conduct Standard, the CPRB reached a finding of Sustained.

- With regards to 2 counts of the allegation of improper Conduct Standard, the OPS reached a finding of Not Sustained.
- With regards to 1 count of the allegation of improper Vehicle Operations, the CPRB reached a finding of No Finding.

Santos moved to have complaint CC2020-017 closed as reviewed which was seconded, motion approved. The case was closed as reviewed.

CC2020-010

(A. Santos)

The complainant reports an incident involving an Albany Police Department (APD) officer driving recklessly in their patrol vehicle and abruptly swerved into the complainant's driving lane. In response, the complainant used their horn to signal the officer about these actions. The APD officer activated their emergency lights, executed a U-turn, and pulled the complainant over. During the stop, the complainant was informed that they were being issued a traffic ticket for "unauthorized use of a horn," but the actual citation they received was for "failing to use the designated lane." Furthermore, the complainant alleges that the initial officer who initiated the stop was not the same officer who issued the citation. The officer who issued the citation declined to provide their name, suggesting that it was documented on the citation. The complainant claims they did not review the citation until after the officer left the scene. It's important to note that the complainant intended to plead not guilty to the charge and await a traffic court trial when reporting this incident.

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

- With regards to 1 count of the allegation of improper Conduct Standards, the CPRB and OPS reached a finding of Unfounded.
- With regards to 1 counts of the allegation of improper Call Handling, the CPRB reached a finding of Sustained.
- With regards to 1 counts of the allegation of improper Call Handling, the OPS reached a finding of Not Sustained.

Santos moved to have complaint CC2020-010 closed as reviewed which was seconded, motion approved. The case was closed as reviewed.

CC 2023-032

(J. Levendosky)

The complainant stated that members of the APD repeatedly harassed her, entered her residence without cause, stalked her and raped her; the complainant did not provide names or descriptions of the officers. There was no evidence to support the claims outside of the complainant's statement; additionally it seems as though the complainant's recollection of the events are unclear and seem to be contradicted by previous statements. Levendosky concurs with OPS's finding that the claim of improper call handling was unfounded, this is because he believes that the detective sufficiently tried to work with the complainant and get a full understanding the alleged incident so that he could investigate the alleged incident. The complainant was uncooperative with the detective and unable to provide any substantive details.

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

- With regards to 1 count of the allegation of improper Call Handling, the CPRB and OPS reached a finding of Unfounded.

CC 2020-019

(J. Levendosky)

The complainant stated that an APD patrol car passed through an intersection without fully stopping at a stop sign, the complainant noticed this while sitting on their porch and tried to alert the officer by shooting at them. The complainant described the vehicle but was unsure what the vehicle's number was but they were able to narrow down the officer who likely was involved. The interview with the officer was conducted 3 years after the complaint was filed; during the interview the officer stated he did not recall the events. Levendosky concurs with OPS's finding that the claim was not sustained because the officer's statement did not match the complainant's statement and there was no other evidence. Levendosky questioned the policy for transitioning cases from mediation to investigation and also asked how the process works once the case is switched. Lieutenant Decker said that the policy is evolving and that he is open to suggestions in response.

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

- With regards to 1 count of the allegation of improper Vehicle Operation, the CPRB and OPS reached a finding of Not Sustained.

IV. PUBLIC COMMENT

(Public)

There was no public comment.

V. EXECUTIVE SESSION

There was no executive session.

VI. CONSIDERATION OF SUBPOENAS

No report.

VII. CONSIDERATION OF COMPLAINT CLOSURE WITHOUT REVIEW / OUT OF JURISDICTION

No report.

VIII. COMMITTEE REPORTS

PUBLIC OFFICIAL LIAISON

Vice Chair Dr. Harden tabled the report.

BYLAWS AND RULES

(A. Santos)

Board Member Santos reported that the investigative committee has been codified into the Bylaw and Rules and the amendment once finalized will be submitted for the Board for approval. There will also be a new section on member responsibilities added to the bylaws.

INVESTIGATION

(J. Levendosky)

Board member John Levendosky reported that since the last meeting 17 new complaints, OPS is currently investigating 66 complaints, 11 complaints are undergoing supervisor review by OPS, 27 complaints have been investigated by OPS and are presently awaiting review by board members, and OPS has not provided a status update for five complaints. Additionally, the board have received summaries for 36 cases from OPS from early 2023 of which 21 has been reviewed. Further, on 09/28/2023, the GLC published a report by the CPRB consultants on the status of independent investigations into allegations of police misconduct in the City of Albany, which was sent to the Mayor's office, common council and the chief of police. The findings of the report include restrictions on access to evidence, limitations on the duration of CPRB contract investigator access to APD recordings, including OPS files and videos, delays and refusals in providing case information, and refusals to abide by subpoenas. There were also issues regarding APD's transparency when it comes to what disciplinary actions are being taken against officers. There were also discussions about the budget and a need for more funding to go towards the investigations.

POLICE DEPARTMENT LIAISON

(V. Harden)

The committee had nothing new to report.

DISCIPLINE MATRIX

(V.Harden)

Vice Chair Dr. Harden reported that the board meet with the chief and went over the proposed disciplinary matrix, the chief said that he would make some minor changes and report them back within a few weeks.

COMMUNITY OUTREACH

(Batman)

Secretary Paul Collins-Hackett, also known as Batman, reported that the Board attended a law enforcement summit to coordinate with more law enforcement agencies. He also mentioned that the Board is currently working with the Albany Justice Coalition to increase engagement through outreach programs and that the CNYS expo is scheduled to take place in November. Additionally, the Board is discussing the creation of a youth advisory council. Furthermore, they are planning to visit the NYC Civilian Complaint Review Board office to share resources and get some ideas based on what they are doing.

MEDIATION

(V. Harden)

The committee had nothing new to report.

REPORT FROM THE OFFICE OF PROFESSIONAL STANDARDS (Detective Lieutenant Mark Decker.)

There was nothing to report.

REPORT FROM THE CORPORATION COUNSEL

There was no one present from the Office of the Corporation Counsel present, so the Board skipped this portion of the agenda.

REPORT FROM THE GOVERNMENT LAW CENTER

(M. Andre)

Program Manager Andre has reported that the GLC is in the process of reviewing and finalizing the bylaws and rules. Ms. Andre further added that they are working with their consultants to gather feedback, which should be ready for potential approval at the next meeting. Additionally, the GLC is currently working on the budget and drafting a letter to the common council to notify them about the contract expiration in December 2024..

REPORT FROM THE CHAIR

(V. Harden)

On her behalf Chair Nairobi Vives, Dr. Harden acknowledged and thanked Reverend Collier for his service over the past 6-8 years.

NEW BUSINESS

(V. Harden)

Dr. Harden mentioned the report entitled "Status of Independent Investigations into Alleged Police Misconduct in the City of Albany," prepared by our consultants at Moeel Lah Fakhoury LLP and dated September 20, 2023, and shared with the Common Council, Mayor's Office, and Chief. She mentioned that the report is worth reviewing, and encouraged members to do so if they haven't already.

Dr. Harden reported that the CPRB budget is being cut by 14% even though the Board requested to be allocated at least 5% of what is proposed for the APD budget instead of the minimum 1%.

Dr. Harden moved to approve of minutes from the September 14, 2023, Public Monthly Meeting, which was seconded, motion was approved unanimously.

ADJOURNMENT

There being no further business, the meeting was adjourned at 7:25 p.m.

Respectfully Submitted,

Michele Andre
Program Manager