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*Albany Community Police Review Board
c/o Government Law Center*

2023 3rd Quarter Report

This report covers the operations of the Community Police Review Board (hereafter “the CPRB” or “the Board”) from July 1, 2023, to September 30, 2023 using traditional calendar quarters.

Disciplinary Matrix Development

The CPRB worked collaboratively with APD Chief Eric Hawkins and his team to develop and implement a progressive disciplinary matrix that clearly delineates penalty levels with ranges of sanctions and provides a consistent accountability structure for APD, as required by Local Law J of 2020. The Board collected community feedback on the APD Disciplinary Matrix through advertisements on the Times Union and Facebook. Following approval by the Board, the Disciplinary Matrix was submitted to the Chief for feedback and final approval.

Chief’s Quarterly Report of Disciplinary Investigations and Action

The Albany Police Department has not submitted their report for the third quarter of 2023 (July 1, 2023, to September 30, 2023). As of the beginning of the reporting period, APD had not reported disciplining any officers in 2023.

Complaint Review Summary

There were 71 active cases (also referred to as complaints) at the start of the reporting period. An “active case” is a complaint awaiting review by an Albany Police Department’s Office of Professional Standards (OPS) investigator and a member of the CPRB, except for cases that have been suspended because of pending litigation. By the end of the reporting period, there were 76 active complaints.

There are currently 68 cases under investigation by OPS, 11 cases under supervisor review by OPS, 22 cases pending full review by the CPRB and 5 cases awaiting Detective and case number assignment.

The CPRB reached its findings by carefully analyzing all the evidence available, including video, established facts, statements by involved parties, and reports. Importantly, the CPRB considered the specific language of all applicable policies and laws to reach a reasoned determination. The Board reviewed and made findings on 5 complaints in the third quarter of 2023:

| OPS Case No. & Case Synopsis | OPS Finding | CPRB Finding |
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| CC2021-023 – J. Levendosky | The OPS made the following findings as to the conduct of the officer involved: | The Board made the following findings as to the |

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| <p>The Complainant alleged that she called the Police on July 2, 2021, to report that her vehicle had been vandalized. The Complainant also stated that, during this time, she was being harassed by her boyfriend's former partner, who kept calling the Complainant's cell phone outside her apartment and stated she wanted her child back, who was inside the apartment with the Complainant alone. The Complainant stated that when the police arrived, the Officers came inside her apartment and did not want to file a report about her vehicle being vandalized. The Complainant further alleged that Officers watched as those responsible for vandalizing her vehicle caused damage to her vehicle and did not intervene.</p> <p>Allegation(s): Call Handling (2cts)</p> | <p>I. With regards to the 2 counts of alleged improper Call Handling, the OPS reached a finding of Unfounded – where the review shows that the act or acts complained of did not occur or were misconstrued.</p> | <p>conduct of the officer involved:</p> <p>I. With regards to the 2 counts of alleged improper Call Handling, the CPRB reached a finding of Unfounded.</p> |
| <p>CC2020-011 – A. Santos</p> <p>The Complainant alleged an officer in unit 108 sped through a stop sign haphazardly without the usage of lights and sirens while children were playing nearby. The Complainant believes these actions were a danger to the community.</p> | <p>The OPS made the following findings as to the conduct of the officer involved:</p> <p>I. With regards to the alleged improper Vehicle Operation, the OPS reached a finding of Not Sustained – where the review fails to disclose sufficient facts to prove or disprove the allegation made in the complaint.</p> | <p>The Board made the following findings as to the conduct of the officer involved:</p> <p>I. With regards to the alleged improper Vehicle Operation, the CPRB reached a finding of Not Sustained.</p> |

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| <p>Allegation(s): Vehicle Operation (1ct)</p> | | |
| <p>CC2020-014 – A. Santos</p> <p>The Complainant alleged an officer in an unknown vehicle was driving fast without lights and sirens and then peeled out. The Complainant also alleges that when he called Center Station, the Officer recited his badge number fast and was only willing to help after he requested his badge number.</p> <p>Allegation(s): Vehicle Operation (1ct) and Conduct Standards (1ct)</p> | <p>The OPS made the following findings as to the conduct of the officer involved:</p> <ul style="list-style-type: none"> I. With regards to the alleged improper Vehicle Operation, the OPS reached a finding of No Finding– where, for example, the complaint failed to produce information to further the investigation; or where the investigation revealed that another agency was responsible and the complaint or complainant has been referred to that agency; or where the complainant withdrew the complaint; or where the complainant is unavailable to clarify the complaint; or where the officer is no longer employed by the city. II. With regards to the alleged improper Conduct Standards, the OPS reached a finding of Unfounded. | <p>The Board made the following findings as to the conduct of the officer involved:</p> <ul style="list-style-type: none"> I. With regards to the alleged improper Vehicle Operation, the CPRB reached a finding of No Finding. II. With regards to the alleged improper Conduct Standards, the CPRB reached a finding of Not Sustained. |
| <p>CC2021-002 – A. Santos</p> <p>The Complainant alleged that on February 24, 2021, at approximately 5:30 p.m., an Albany Police Department officer driving a vehicle intentionally revved his vehicle engine and deliberately opened his driver-side door (dooring) in an attempt to intimidate a group of adolescents on bicycles. The Complainant stated that they observed an officer forcibly remove</p> | <p>The OPS made the following findings as to the conduct of the officer involved:</p> <ul style="list-style-type: none"> I. With regards to the allegation of violation of policy (Body Worn Cameras, General Order No.: 3.2.15), the OPS reached a finding of Sustained – where the review discloses sufficient facts to prove the allegations made in the complaint. II. With regards to the alleged improper Conduct | <p>The Board made the following findings as to the conduct of the officer involved:</p> <ul style="list-style-type: none"> I. With regards to the allegation of violation of policy (Body Worn Cameras, General Order No.: 3.2.15), the CPRB reached a finding of Sustained and recommended discipline in connection with |

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| <p>an adolescent from a bicycle and that an officer seized the bicycle without providing an articulable reason for the seizure of this property or asking for the name or identity of this adolescent.</p> <p>Allegation(s): Body Worn Cameras, General Order No.: 3.2.15 (1ct) and Conduct Standards (1ct)</p> | <p>Standards, the OPS reached a finding of Not Sustained.</p> | <p>that sustained finding.</p> <p>II. With regards to the alleged improper Conduct Standards, the CPRB reached a finding of Not Sustained.</p> |
| <p>CC2020-004 – M. Ingram</p> <p>The complainant alleged that on January 24, 2020, the police were called for no reason. Responding officers then allegedly dragged the complainant out of the house with no shoes on, struck her head on the door frame of the patrol car when they were placing her in the vehicle, placed the handcuffs on her too tightly, laughed at her when she told them the handcuffs were too tight, dragged her out of the police car and into Central Booking, pulled up on her handcuffed arms, and placed their knee in her back, and that a specific officer was rude to her. The complainant also alleged that on February 5, 2020, officers arrested her for no reason; two officers attacked her, slamming her to the ground and handcuffing her, stomping</p> | <p>The OPS made the following findings as to the conduct of the officer involved:</p> <ul style="list-style-type: none"> I. With regards to 1 count of the alleged improper Call Handling and Procedures, OPS reached a finding of Unfounded. II. With regards to 2 counts of the alleged improper Department Procedures, OPS reached a finding of Exonerated – where the acts which provide the basis for the complaint occurred but the review shows that such acts were proper. III. With regards to 1 count of the alleged improper Arrest and Procedures, OPS reached a finding of Exonerated. IV. With regards to 1 count of the alleged improper Use of Force, OPS reached a finding of Exonerated. V. With regards to 7 counts of the alleged improper Use of | <p>The Board made the following findings as to the conduct of the officer involved:</p> <ul style="list-style-type: none"> I. With regards to 1 count of the alleged improper Call Handling and Procedures, the CPRB reached a finding of Unfounded. II. With regards to 2 counts of the alleged improper Department Procedures, the CPRB reached a finding of Exonerated. III. With regards to 1 count of the alleged improper Arrest and Procedures, the CPRB reached a finding of Exonerated. IV. With regards to 1 count of the alleged improper Use of |

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| <p>on her legs; and that the officers are racist. The complainant also indicated that she had bruises on her face, legs and arms and scratches on her neck as a result of the officers' conduct.</p> <p>Allegation(s): Call Handling and Procedures (1ct), Department Procedures (2cts), Arrest and Procedures (1ct), Use of Force (8cts), and Conduct Standards (2cts)</p> | <p>Force, OPS reached a finding of Unfounded.</p> <p>VI. With regards to 2 counts of the alleged improper Conduct Standards, OPS reached a finding of Unfounded.</p> | <p>Force, the CPRB reached a finding of Exonerated.</p> <p>V. With regards to 7 counts of the alleged improper Use of Force, the CPRB reached a finding of Unfounded.</p> <p>VI. With regards to 2 counts of the alleged improper Conduct Standards, the CPRB reached a finding of Unfounded.</p> |
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New Complaints and Grievances

The Board received 13 new complaints during the third quarter of 2023.

Of the 13 new complaints, one case was closed because it was withdrawn by the complainant and five cases were closed without review.

When the CPRB receives complaints that fall outside of its jurisdiction, the complainant is notified and referred to the governmental entities with the jurisdiction to process their complaint. Of the 13 new complaints, two cases were determined to be outside of the Board's jurisdiction.

The Board received no grievance forms from OPS. Grievances are informal complaints received by OPS from community members who do not want to submit a formal complaint.

Independent Investigations

The Board did not vote to independently investigate any cases in the third quarter of 2023. At the end of the reporting period, there were six active independent CPRB investigations involving use of force, failure to investigate, police conduct at protests, and officer-involved shootings.

Monitors

Section 42-343(B)(1) of the City Code requires the Board to appoint an individual to observe and monitor the investigation by OPS of a complaint "in the event the complaint alleges use of force or a violation of civil rights." The Board did not appoint a monitor for any of the new complaints.

Mediation

Sections 42-346(C) and 32-343(F)(4) of the City Code permit complainants, officers, and the Board to refer a complaint to mediation in place of full CPRB review. The Board forwarded no complaints to mediation this reporting period.

CONCLUSION

The Community Police Review Board continues to make every effort to work collaboratively with the Albany Police Department, the City of Albany, and the communities served by the Board.

Respectfully submitted,

Hon. Leslie E. Stein (Ret.)
Government Law Center of Albany Law School

Nairobi Vives, Chair
Approved by and submitted on behalf of the
Community Police Review Board

Approved by the CPRB: November 7, 2023