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

## 2023 4<sup>th</sup> Quarter Report

This report covers the operations of the Community Police Review Board (hereafter “CPRB” or “the Board”) from October 1, 2023 to December 31, 2023 using traditional calendar quarters.

### **Disciplinary Matrix Development**

On October 3, 2023, the Chair of the Citizen Police Review Board (CPRB), Nairobi Vives, along with Vice Chair Dr. Veneilya Harden, NYCLU Director Melanie Trimble, and the Program Manager had a productive meeting with Chief Eric Hawkins and Deputy Chief Anthony M. Battuello. The purpose of the meeting was to submit the proposed APD Discipline Matrix for approval. After the meeting, the Deputy Chief and Chief met with Union Leadership representatives to review the draft before Chief Hawkins made any final decisions. On December 5, 2023, the Chief proposed revisions to the APD Discipline Matrix, which were reviewed by Chair Vives and other members of the CPRB. On December 14, 2024, Chair Vives, Vice Chair Harden, Director Trimble, and the Program Manager met again with the APD Chief and Deputy Chief to discuss the department's suggested edits to the APD Discipline Matrix. Chair Vives is currently working on the revised Discipline Matrix for approval.

### **Chief's Quarterly Report of Disciplinary Investigations and Action**

The Albany Police Department has recently released its quarterly report on disciplinary actions taken against sworn members from July 1, 2023, to December 31, 2023. The report reveals that two disciplinary actions were taken during this period, one of which was inadvertently omitted from the third-quarter report.

During the fourth quarter of 2023, Detective Adam Mantei received a written reprimand and 4.5 days' loss of leave credits for violating GO 2.2.0-I-A-6A (Neglect of Duty) and GO 2.2.00 I-A-40-b (Unbecoming Conduct) on August 01, 2023.

In the third quarter of 2023, Officer Jonathan Damphier received a written reprimand and a loss of 2 days' leave credit for violating GO 2.2.00-1-A-15a (Use of Alcohol Off-Duty) and GO 2.2.00-I-A-2-b (Unbecoming Conduct) on August 01, 2023. The omission of this disciplinary action from the third-quarter report was an error, and it has been included in the latest report.

### **Complaint Review Summary**

There are 78 active cases. 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.

All active complaints have taken over 60 days to investigate. APD General Order 2.4.05 mandates completion within 60 Days of assignment to an OPS Detective. 47 out of the 74 active complaints

surpassed 365 days, preventing formal discipline for sustained allegations in accordance with the current collective bargain agreements. OPS has completed its investigation into 8 complaints during the fourth quarter of 2023.

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 **14** complaints in the fourth quarter of 2023:

<p><b>OPS Case No. &amp; Case Synopsis</b></p>	<p><b>OPS Finding -</b> The OPS made the following findings as to the conduct of the officer involved:</p>	<p><b>CPRB Finding -</b> For complaints filed prior to the passage of Local Law J, the Board cannot render its finding without the OPS “preliminary” / finding report / case summary.  The Board made the following findings as to the conduct of the officer involved:</p>
<p><b>CC2023-042 – A. Santos</b> The Complainant alleged APD Officers Patrick Guiry and Joshua Austin did not provide her with adequate safety measures when she was confronted by four youths. Furthermore, she alleges that Officer P. Guiry did not correctly identify himself when asked to do so.  Allegation(s): Call Handling (1ct) and Conduct Standards (1ct)</p>	<p><b>I.</b> With regards to the 1 count of improper Call Handling, the OPS reached a finding of <b>Exonerated</b> – where the acts which provide the basis for the complaint occurred, but the review shows that such acts were proper.</p> <p><b>II.</b> With regards to the 1 count of improper Conduct Standards, the OPS reached a finding of <b>Exonerated</b>.</p>	<p><b>I.</b> With regards to the allegation of APD’s response to Call Handling, the CPRB reached a finding of <b>Sustained</b> – where the review discloses sufficient facts to prove the allegations made in the complaint.</p> <p><b>II.</b> With regards to the allegation of APD’s response to Conduct Standards, the CPRB reached a finding of <b>Exonerated</b>.</p>
<p><b>CC2023-032 – A. Santos</b> The Complainant alleged that the maintenance worker for her building has unlawfully entered her</p>	<p><b>I.</b> With regards to the 1 count of improper Call Handling, the OPS reached a finding of <b>Unfounded</b> – where</p>	<p><b>I.</b> With regards to the 1 count of improper Call Handling, the CPRB reached a finding of <b>Unfounded</b>.</p>

<p>apartment, and despite earlier reports to APD about the same issue, APD has not taken any action. The complainant reports that her door locks have been forcibly removed on three separate occasions in recent months, allegedly as part of an illegal eviction attempt and ongoing harassment. Additionally, the complainant claims that an officer dismissed her concerns, suggesting she was irrational, instructed her to calm down, and implied she needed psychological assistance.</p> <p>Allegation(s): Call Handling (1ct)</p>	<p>the review shows that the act or acts complained of did not occur or were misconstrued.</p>	
<p><b>CC2022-040 – V. Person</b></p> <p>The complainant alleges that, when a taxi pulled up to her address, her companion was unable to retrieve personal property belonging to her from the taxi. The complainant states the Police were contacted by both the taxi company and herself and, when the Police arrived, the Officer intentionally allowed the taxi driver to leave with her personal property. The complainant states she has been unable to collect her property from the taxi company.</p> <p>Allegation(s): Call Handling (1ct)</p>	<p><b>I.</b> With regards to the 1 count of improper Call Handling, the OPS reached a finding of <b>Unfounded.</b></p>	<p><b>I.</b> With regards to the 1 count of improper Call Handling, the CPRB reached a finding of <b>Unfounded.</b></p>

<p><b>CC2021-036 – J. Levendosky</b></p> <p>The complainant states that his car was stopped by police and he was given two tickets for no reason. He states that the issuing officer was acting deranged and psychotic during the stop. The complainant stated in his complaint that he believed the officer's behavior suggested the officer was “on narcotics.”</p> <p>Allegation(s): Arrest Authority &amp; Procedure (1ct) &amp; Conduct Standards (1ct)</p>	<p><b>I.</b> With regards to the 1 count of improper Arrest Authority &amp; Procedure, the OPS reached a finding of <b>Unfounded</b>.</p> <p><b>II.</b> With regards to the 1 count of improper Conduct Standards, the OPS reached a finding of <b>Not Sustained</b> – where the review fails to disclose sufficient facts to prove or disprove the allegation made in the complaint.</p>	<p><b>I.</b> With regards to the 1 count of improper Arrest Authority &amp; Procedure, the CPRB reached a finding of <b>Unfounded</b>.</p> <p><b>II.</b> With regards to the 1 count of improper Conduct Standards, the CPRB reached a finding of <b>Not Sustained</b>.</p>
<p><b>CC2021-032 – M. Ingram</b></p> <p>The Complainant alleged that a maintenance worker in the complainant's building has once again unlawfully entered her apartment and, despite reporting this to the Albany Police Department, no action has been taken. The complainant also alleged that her door locks have been tampered with three times in recent months, as part of an apparent effort to illegally evict her and subject her to harassment. Additionally, the complainant claims that, during an interaction with an officer, she was dismissed as being irrational, instructed to calm down and lower her voice, and advised to seek help. She expresses feeling</p>	<p><b>I.</b> With regards to the 1 count of improper Call Handing, the OPS reached a finding of <b>Unfounded</b>.</p> <p><b>II.</b> With regards to the 1 count of improper Conduct Standards, the OPS reached a finding of <b>Exonerated</b>.</p>	<p><b>I.</b> With regards to the 1 count of improper Call Handing, the CPRB reached a finding of <b>Unfounded</b>.</p> <p><b>II.</b> With regards to the 1 count of improper Conduct Standards, the CPRB reached a finding of <b>Sustained</b>.</p>

<p>triggered by instances of repeated abuse and, when law enforcement attempts to invalidate her, she experiences gaslighting.</p> <p>Allegation(s): Call Handling (1ct) &amp; Conduct Standards (1ct)</p>		
<p><b>CC2021-019 – M. Ingram</b></p> <p>The complainant alleged that, after making multiple calls to 911 to report that her landlord had assaulted her, she faced ridicule, and her complaint was disregarded by APD. When an officer eventually arrived at her residence, the officer not only mocked and laughed at her but also declined to document the incident. The refusal to document the complaint undermined her ability to obtain a restraining order against the landlord.</p> <p>Allegation(s): Call Handling (1ct), Call Handling and Procedure for Dispatch (1ct) &amp; Conduct Standards (1ct)</p>	<p><b>I.</b> With regards to the 1 count of improper Conduct Standards, the OPS reached a finding of <b>Unfounded</b>.</p> <p><b>II.</b> With regards to the 1 count of improper General Call Handling and Procedure for Dispatch, the OPS reached a finding of <b>Sustained</b>.</p> <p><b>III.</b> With regards to 1 count of improper Call Handling, the OPS reached a finding of <b>Exonerated</b>.</p>	<p><b>I.</b> With regards to the 1 count of improper Conduct Standards, the CPRB reached a finding of <b>Sustained</b>.</p> <p><b>II.</b> With regards to the 1 count of improper General Call Handling and Procedure for Dispatch, the CPRB reached a finding of <b>Sustained</b>.</p> <p><b>III.</b> With regards to 1 count of improper Call Handling, the CPRB reached a finding of <b>Exonerated</b>.</p>
<p><b>CC2021-003 – A. Santos</b></p> <p>The Complainant reported an incident where she, along with other drivers, experienced harassment while driving on Route 787 by a group of approximately 20 motorcyclists. She claimed to have called 911 seeking assistance, but no response or aid arrived. Frustrated,</p>	<p><b>I.</b> With regards to the 1 count of improper Call Handling, the OPS reached a finding of <b>No Finding</b> – 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</p>	<p><b>I.</b> With regards to the 1 count of improper Call Handling, the CPRB reached a finding of <b>No Finding</b>.</p> <p><b>II.</b> With regards to the 1 count of improper Conduct Standards, the CPRB reached a finding of <b>Sustained</b>.</p>

<p>she proceeded to South Station to file a complaint. The officer on duty at South Station responded by advising her to "contact the Mayor, the Governor, and all the Representatives to advocate for changes in the laws." The officer expressed a sense of futility, stating that "their hands were tied" due to the perceived issue of arrested individuals being quickly released on bail, and questioned why they should invest their time in such cases. The officer also mentioned concerns about calls to defund the police.</p> <p>Allegation(s): Call Handling (1ct) &amp; Conduct Standards (1ct)</p>	<p>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.</p> <p><b>II.</b> With regards to the 1 count of improper Conduct Standards, the OPS reached a finding of <b>Not Sustained</b>.</p>	
<p><b>CC2020-020 – A. Santos</b></p> <p>The Complainant alleged that they saw an Albany Police Department's SUV proceed through a stop sign without stopping when its lights and sirens were not activated. The complainant further asserts that they followed the APD vehicle and noticed it parked outside Center Station approximately 14 minutes after the initial incident, suggesting that the vehicle was not responding to an emergency call at that time.</p> <p>Allegation(s): Vehicle Operation (1ct)</p>	<p><b>I.</b> With regards to the alleged improper Vehicle Operation, the OPS reached a finding of <b>Not Sustained</b>.</p>	<p><b>I.</b> With regards to the alleged improper Vehicle Operation, the CPRB reached a finding of <b>Not Sustained</b>.</p>

<p><b>CC2020-017 – A. Santos</b></p> <p>The complainant visited the Albany Police Department (APD)'s Center Station to submit a civilian complaint. Upon handing over the report, the desk officer reportedly read it and asked the complainant where they resided. In response, the complainant indicated that all the necessary information was included in the report. Subsequently, the complainant left the station but returned shortly thereafter to request additional complaint forms. During this return visit, an unidentified APD officer and another unidentified officer in a gray uniform entered the lobby. The lobby officer then informed them that the complainant had requested more complaint forms.</p> <p>It is alleged that these officers engaged in verbal harassment towards the complainant, leading the complainant to feel as though they were being gaslighted, causing them to doubt their own judgment and well-being. Furthermore, it is claimed that the lobby officer printed additional complaint forms but placed them just out of the complainant's reach. When</p>	<p><b>I.</b> With regards to the 1 count of alleged improper Department Procedures, the OPS reached a finding of <b>Exonerated</b>.</p> <p><b>II.</b> With regards to the 2 counts of alleged improper Conduct Standards, the OPS reached a finding of <b>Not Sustained</b>.</p>	<p><b>I.</b> With regards to the 1 count of alleged improper Department Procedures, the CPRB reached a finding of <b>Exonerated</b>.</p> <p><b>II.</b> With regards to the 2 counts of alleged improper Conduct Standards, the CPRB reached a finding of <b>Sustained</b>.</p> <p><b>III.</b> With regards to the 1 count of improper Vehicle Operation, the CPRB reached a finding of <b>No Finding</b>. The OPS did not make a finding.</p>
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<p>the complainant asked for the forms again, the lobby officer is said to have provided access by moving them "an inch" closer. The complainant suggests that if the officers had received proper training, this encounter might have been less adversarial.</p> <p>Allegation(s): Department Procedures (1ct), Conduct Standards (2cts) and Vehicle Operation (1ct)</p>		
<p><b>CC2020-019 – L. Levendosky</b></p> <p>The complainant stated that an APD patrol car passed through an intersection without fully stopping at a stop sign. According to the complainant, this observation was made from their porch. Additionally, the complainant attempted to alert the officer by shouting; however, the officer couldn't hear them from the porch.</p> <p>Allegation(s): Vehicle Operation (1ct)</p>	<p><b>I.</b> With regards to the 1 count of alleged improper Vehicle Operation, the OPS reached a finding of <b>Not Sustained.</b></p>	<p><b>I.</b> With regards to the 1 count of alleged improper Vehicle Operation, the CPRB reached a finding of <b>Not Sustained.</b></p>
<p><b>CC2020-010 – A. Santos</b></p> <p>The complainant reports an incident involving an Albany Police Department (APD) officer who was driving recklessly in their patrol vehicle and abruptly swerved into the complainant's driving lane.</p>	<p><b>I.</b> With regards to 1 count of alleged improper Conduct Standards, the OPS reached a finding of <b>Exonerated.</b></p> <p><b>II.</b> With regards to the 2 counts of alleged improper Call Handling, the OPS</p>	<p><b>I.</b> With regards to 1 count of alleged improper Conduct Standards, the CPRB reached a finding of <b>Exonerated.</b></p> <p><b>II.</b> With regards to the 2 counts of alleged improper Call Handling,</p>



<p>In response, the complainant used their horn to signal the officer about these actions. The APD officer then 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."</p> <p>The complainant also alleges that the 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 that they did not review the citation until after the officer had left the scene.</p> <p>Allegation(s): Conduct Standards (1ct) and Call Handling (2cts)</p>	<p>reached a finding of <b>Not Sustained.</b></p>	<p>the CPRB reached a finding of <b>Sustained.</b></p>
<p><b>CC2020-009 – A. Santos</b></p> <p>The complainant alleged that the police confiscated his phone, chain, IDs, and wallet containing \$50, which were not returned to him.</p>	<p><b>I.</b> With regards to the first count of improper Call Handling, the OPS reached a finding of <b>Exonerated.</b></p> <p><b>II.</b> With regards to the second count of improper Call Handling,</p>	<p><b>I.</b> With regards to the first count of improper Call Handling, the CPRB reached a finding of <b>Exonerated.</b></p> <p><b>II.</b> With regards to the second count of improper Call Handling,</p>

Allegation(s): Call Handling (2cts)	OPS reached a finding of <b>Unfounded.</b>	the CPRB reached a finding of <b>Unfounded.</b>
<p><b>CC2019-027 – J. Levendosky</b></p> <p>The complainant states that a concerned grandmother contacted the APD to check on her grandchildren, who she believed were being neglected. She feels that the officers did not inspect the situation thoroughly enough and failed to contact CPS regarding the welfare of the children. The complainant believed that the children's guardian should have been arrested for neglect.</p> <p>Allegation(s): Call Handling (1cts)</p>	<p><b>I.</b> With regards to the 1 count of improper Call Handling, the OPS reached a finding of <b>Exonerated.</b></p>	<p><b>I.</b> With regards to the 1 count of improper Call Handling, the OPS reached a finding of <b>Exonerated.</b></p>

### New Complaints and Grievances

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

Of the 13 new complaints, three were closed because they were withdrawn by the complainant. 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 the complaint. Of the 13 new complaints, three 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 fourth 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 permits 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**

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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.)  
Director, 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: February 8, 2023