



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

2024 1st Quarter Report

The **Albany Community Police Review Board (CPRB)** is an independent oversight agency that reviews and investigates complaints of alleged misconduct committed by officers of the City of Albany Police Department (APD). The CPRB aims to improve communication between APD and community members and increase police accountability and credibility with the communities that APD serves. The CPRB accomplishes these goals through independent and impartial investigations, policy recommendations, and community outreach. For more information and inquiries, please contact us at the provided phone number or email address, visit www.albanycprb.org, and connect with the office on [Facebook](#).

This report covers the operations of the Community Police Review Board (hereafter “CPRB” or “the Board”) from January 1, 2024 to March 31, 2024.

Chief’s Quarterly Report of Disciplinary Investigations and Action

The Albany Police Department recently released its quarterly report on disciplinary actions taken against sworn members from January 1, 2024, to March 31, 2024. The report reveals that two disciplinary actions were taken during this period.

During the first quarter of 2024, Police Officer T. Jarosz and Detective C. Graham Jarosz each received a written reprimand for violating GO 2.2.0-I-A-44-(a) (Operating Vehicles) and GO 2.2.00 I-A-43-b (Use of Department Equipment) on March 5, 2024.

New Complaints and Grievances

The Board received 13 new complaints during the first quarter of 2024.

Of the 13 new complaints received, one was withdrawn initially. Complaint no. CC2024-006 was initially withdrawn but was later re-opened at the request of the complainant. It was clarified that she did not intend to withdraw the complaint when she agreed to have a supervisor address it, nor did she wish to prevent civilian oversight from reviewing the case.

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.

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.

It is pertinent to note that out of the 70 active complaints assigned to Detectives, 67 complaints have taken more than 60 days to investigate. APD General Order 2.4.05 mandates completion within 60 Days of assignment to an OPS Detective. 48 out of the 78 active complaints surpassed 365 days, preventing formal discipline for sustained allegations in accordance with the current collective bargaining agreements. OPS completed its investigation into 9 complaints during the first quarter of 2024.

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 the following 7 complaints in the first quarter of 2024:

OPS Case No. & Case Synopsis	OPS Finding - The OPS made the following findings as to the conduct of the officer involved:	CPRB Finding - 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>CC2023-015 – J. Levendosky According to the complaint, the officer in question allegedly told the complainant’s tenant that if he were in their shoes, he would also allow his dog to defecate on the front yard of the property, during a one-on-one conversation about the call that they were responding to.</p> <p>Allegation(s): Call Handling (1ct) and Conduct Standards (1ct)</p>	<p>I. With regards to the 1 count of improper Call Handling, 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>II. With regards to the 1 count of improper Conduct Standards, the OPS reached a finding of Sustained.</p>	<p>I. With regards to the allegation of APD’s response to, improper Call Handling, the CPRB reached a finding of Sustained – where the review discloses sufficient facts to prove the allegations made in the complaint.</p> <p>II. With regards to the allegation of APD’s response to Conduct Standards, the CPRB reached a finding of Sustained.</p>

<p>CC2021-013 – A. Santos The Complainant alleged his accident report was written wrong, his vehicle was struck by an APD Detective and further stated that the Detective was “coached” by his Sergeant as to what to say.</p> <p>Allegation(s): Call Handling (1ct)</p>	<p>I. With regards to the 1 count of improper Call Handling, OPS reached a finding of No Finding – where, for example, the complainant 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.</p>	<p>I. With regards to the 1 count of improper Call Handling, the CPRB reached a finding of Unfounded – where the review shows that the act or acts complained of did not occur or were misconstrued.</p>
<p>CC2021-018 – A. Santos The complainant alleged the officer who responded to the scene of an accident did not provide accurate details in their documentation regarding the vehicular accident that occurred on 04/15/21.</p> <p>Allegation(s): Call Handling (1ct)</p>	<p>I. With regards to the 1 count of improper Call Handling, the OPS reached a finding of No Finding.</p>	<p>I. With regards to the 1 count of improper Call Handling, the CPRB reached a finding of No Finding.</p>
<p>CC2021-010 – J. Levendosky, V. Harden and A. Santos The complainant alleged police removed badges and/or name tags on April 14 and April 22; “thin blue line” insignia was present on April 22; and excessive force on April 22.</p>	<p>I. With regards to the 1 count of improper Conduct Standards on April 14, 2021, the OPS reached a finding of Not Sustained.</p> <p>With regards to 1 count of improper Conduct Standards on April 22, 2021, the OPS reached a</p>	<p>I. With regards to the 1 count of improper Conduct Standards on April 14, 2021, the CPRB reached a finding of Not Sustained.</p> <p>II. With regards to 1 count of improper Conduct Standards on April 22,</p>

<p>Allegation(s): Use of Force (1ct) & Conduct Standards (3cts)</p>	<p>finding of Exonerated –where the acts which provide the basis for the complaint occurred, but the review shows that such acts were proper.</p> <p>II. With regards to the 1 count of improper Use of Force on April 22, 2021, the OPS reached a finding of Unfounded.</p> <p>III. With regards to 1 count of improper Conduct Standards on April 22, 2021, the OPS reached a finding of Unfounded.</p>	<p>2021, the CPRB reached a finding of Sustained.</p> <p>III. With regards to the 1 count of improper Use of Force on April 22, 2021, the CPRB reached a finding of Not Sustained.</p> <p>IV. With regards to 1 count of improper Conduct Standards on April 22, 2021, the OPS reached a finding of Sustained.</p>
<p>CC2021-011 – J. Levendosky, V. Harden and A. Santos The Complainant alleged officers obscured or removed nametags and/or badges; that officers refused to provide their name; that officers used excessive force; and that officers wore Blue Lives Matter or “thin blue line” insignia on their riot gear on April 22.</p> <p>Allegation(s): Use of Force (1ct) & Conduct Standards (2cts)</p>	<p>I. With regards to the 1 count of improper Conduct Standards of removing APD identification, the OPS reached a finding of Exonerated.</p> <p>II. With regards to the 1 count of Conduct Standards of multiple APD Officers failing to provide their names or badge numbers, the OPS reached a finding of Unfounded.</p> <p>III. With regards to the 1 count of improper Use of Force, the OPS reached a finding of Unfounded.</p>	<p>I. With regards to the 1 count of improper Conduct Standards of removing APD identification, the CPRB reached a finding of Sustained.</p> <p>II. With regards to the 1 count of Conduct Standards of multiple APD Officers failing to provide their names or badge numbers, the CPRB reached a finding of Sustained.</p> <p>III. With regards to the 1 count of improper Use of Force, the CPRB reached a finding of Not Sustained.</p>
<p>CC2021-020 – J. Levendosky, V. Harden and A. Santos The complainant alleged excessive force on April 14</p>	<p>I. With regards to the 1 count of improper Use of Force on April 14, 2021, by Lieutenant Devin Anderson towards a person known</p>	<p>I. With regards to the 1 count of improper Use of Force on April 14, 2021, by Lieutenant Devin Anderson towards a person known to APD,</p>

<p>which resulted in a lacerated lip and chipped teeth.</p> <p>Allegation(s): Use of force (3cts)</p>	<p>to APD, the OPS reached a finding of Unfounded.</p> <p>II. With regards to 1 count of improper Use of Force on April 14, 2021, the OPS reached a finding of Unfounded.</p> <p>III. With regards to 1 count of improper Use of Force on April 14, 2021, the OPS reached a finding of Unfounded.</p>	<p>the CPRB reached a finding of Sustained.</p> <p>II. With regards to 1 count of improper Use of Force on April 14, 2021, the CPRB reached a finding of Unfounded.</p> <p>III. With regards to 1 count of improper Use of Force on April 14, 2021, the CPRB reached a finding of Not Sustained.</p>
---	--	---

Investigator Reports

On Thursday, March 14, 2024, the Albany Community Police Review Board (CPRB) convened to discuss the findings of independent investigators regarding incidents during the South Station Arch Street protest in April 2021. These incidents stemmed from a protest march on April 14, 2021, which ended at the APD South Station, where protestors set up an encampment. APD removed the encampment on April 22, 2021. The CPRB received four civilian complaints (Complaint Nos. CC2021-010, CC2021-011, CC2021-012, and CC2021-020) related to the events on April 14 and April 22, 2021. The independent investigation, conducted by T&M USA, revealed numerous violations of APD policy, including some officers displaying “Blue Lives Matter”/“Thin Blue Line” paraphernalia, supervisors failing to inspect officers’ adherence to uniform guidelines, a supervisor using excessive force against a protester resulting in injury, improper use of Oleoresin Capsicum (“OC”) spray, officers covering or removing name tags and badges, and failure to provide identification upon request by civilians. The Board voted unanimously to accept all but one of the T&M’s findings—the findings relating to Complaint No. CC2021-012. The Board tabled that complaint because new evidence relating to that specific complaint was made available at the meeting. Board members intend to review the new information provided and revisit the vote at a later date. A recording of the proceedings can be viewed on the Board’s website or by clicking: <https://www.albanycprb.org/board-meeting/video-recordings/>.

In accordance with its charter-mandated responsibilities (see Local Law J of 2020 passed March 1, 2021), the Board unanimously approved several recommended policy amendments to APD’s General Orders and policy changes in response to the investigative findings and concerns from these incidents at South Station. The CPRB investigated the case and submitted its findings and policy recommendations to the Chief on March 15, 2024. For more details on this case, refer to the T&M report [here](#). The CPRB’s policy recommendations can be viewed [here](#). After voting on the findings and policy changes, the Board requested that the Chief provide a response to the Board’s recommendations within 60 days. Under Albany City Code § 42-343(C), the Chief must provide a detailed listing of which recommendations are and are not being implemented within 60 days.

Independent Investigations

The Board did not vote to independently investigate any cases in the first quarter of 2024. At the end of the reporting period, there were four active independent CPRB investigations involving use of force, failure to investigate, and officer-involved shootings, as follows:

Complaint/Incident	Description
Incident No. AD2022-002	Officer-involved shooting incident on January 24, 2022.
CPRB Case No. 00000956	Officer-involved shooting incident, June 20, 2022.
Incident No. AD2023-020	Alleged use of force at a public park against a minor on May 31, 2023.
Complaint No. CC2023-013	Alleged failure to investigate allegations of child sex assault and related conduct violations.

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 appointed a monitor for two 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

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: April 11, 2024