

**INVESTIGATION  
SUMMARY**

**South Station  
Arch Street Protest**

**Prepared for the  
Albany Community  
Police Review Board**

**T&M USA, LLC**

March 7, 2024  
230 Park Avenue / Suite 440 / New York, NY 10169  
Tel: 212.422.0000 / [www.tmusallc.com](http://www.tmusallc.com)



---

## Table of Contents

List of Figures .....	3
Executive Summary.....	4
I. Background.....	4
II. Investigation Scope and Methodology.....	4
III. Investigation Findings.....	5
Investigation Summary .....	7
I. Investigation Overview.....	7
II. Summary of Events.....	7
III. CPRB Complaints .....	10
IV. Investigation Methodology .....	12
V. Summary of Findings .....	12
Table 1. Comparison Between OPS Findings and T&M Findings .....	19
VI. Summary of Interviews .....	22
VII. Conclusion .....	44
Exhibit 1: Uniforms and Grooming Standards, Albany Police Department General Order No. 3.2.00 .....	52

## List of Figures

Figure 1. Photograph of the encampment. ....	9
Figure 2. Photograph of the encampment. ....	9
Figure 3. APD officer covering name and badge number on April 22, 2021. ....	14
Figure 4. APD officer covering badge number on April 22, 2021. ....	14
Figure 5. APD officer holding polymer shield with “Thin Blue Line” insignia on April 22, 2021. .	15
Figure 6. APD officers holding polymer shields with “Thin Blue Line” insignia on April 22, 2021. .....	15
Figure 7. An APD officer wearing a “Thin Blue Line” version of the U.S. flag on their uniform and three APD officers holding polymer shields with the “Thin Blue Line” insignia on April 22, 2021. .....	16
Figure 8. APD officers wearing blue masks and neck gaiters on April 22, 2021. ....	16
Figure 9. APD officer wearing a bracelet with the “Thin Blue Line” insignia on April 22, 2021. ...	17
Figure 10. A “Blue Lives Matter”/“Thin Blue Line” version of the U.S. flag displayed on the wall in the Albany Police Department South Station on April 14, 2022. ....	17
Figure 11. A photograph of DGS removal equipment outside of South Station on April 22, 2021. .....	44
Figure 12. An APD officer is pictured wearing a neck gaiter in the “Proud Boys” colors while arresting a protester on April 22, 2021. ....	47

---

## Executive Summary

### I. BACKGROUND

On or about April 14, 2021, in Albany, New York, there was a protest march that started at Townsend Park and ended at the Albany Police Department (APD) South Station. When protestors arrived at the South Station, they were greeted by uniformed APD officers standing on the access ramp in the front of the station. The APD officers instructed the protesters to leave the area, the protesters refused to leave and tried to enter the precinct, where one protester broke a window. The protesters remained on the access ramp in front of the precinct. The APD officers, using OC Spray,<sup>1</sup> forcibly removed the protesters from the ramp. The lead Lieutenant, Devin Anderson, forcibly removed a megaphone from a female protester and in doing so hit her in the mouth with the megaphone, resulting in the protester suffering a lacerated lip and chipped tooth. The protesters decided to camp out in front of the South Station. The protesters had multiple tents in an area across from the South Station. The encampment lasted until April 22, 2021, when the APD gave the protesters fifteen minutes to break down the encampment and leave. When the protesters failed to comply the APD forcibly removed the protesters and took down the camp.

### II. INVESTIGATION SCOPE AND METHODOLOGY

The Albany Community Police Review Board (“CPRB”) assigned T&M USA, LLC (“T&M”) to investigate the South Station Arch Street incident, No. AD2021-054 and complaints No. CC2021-010, CC2021-011, CC2021-012 and CC2021-020. Specifically, T&M was engaged to investigate allegations arising out of a protest march on April 14, 2021, that ended at the Albany Police Department (“APD”) South Station, and the subsequent encampment of protesters outside the South Station which was terminated by the APD on April 22, 2021.

T&M’s investigation included a reviewed of over 365 materials from the APD, as well as complainants, witnesses and independent research, including APD police reports, APD General Orders, Police Officer interview summaries, the APD Office of Professional Standards (“OPS”) Confidential Report,<sup>2</sup> thousands of hours of Police Officer body-worn cameras (“BWCs”) and station cameras, photos, personnel files, emails, social media videos, and recordings. From May

---

<sup>1</sup> OC Spray stands for Oleoresin Capsicum and is a pepper spray, a natural substance derived from the resin of chili peppers that causes inflammation to the eyes, skin, and nose, and can be sprayed from a distance to deter attackers.

<sup>2</sup> While the report was labeled OPS Confidential Report, it was published in the *Times Union*. See Robert Gavin, Steve Hughes, & Mike Goodwin, *Report: Police violated policy by covering badges before breaking up protester camp*, *Times Union* (Feb. 25, 2022), <https://timesunion.com/news/article/Report-Police-violated-policy-by-covering-badges-16946814.php>.

31, 2023, through October 16, 2023, T&M also interviewed ten (10) individuals in person, by video conferencing or by telephone.

To reach its findings, T&M evaluated the credibility of witnesses, including the details of the account provided, the circumstances of the disclosure, the consistency or inconsistency of an account of events given over time when available, the demeanor of a witness during an interview, the presence of an interest, bias or motive to lie, whether other corroborative or contradictory evidence existed, and whether the witness account comported with common sense and/or was plausible.<sup>3</sup>

### **III. INVESTIGATION FINDINGS**

T&M made the following findings:

- On April 14, 2021, Lieutenant Devin Anderson violated the department's policy, Use of Force, General Order No. 1.3.00, by forcibly removing a megaphone from a female protester, the officer failed to attempt to de-escalate and gave no verbal instructions to the protester, and in doing so, he pushed the megaphone into the protester's face, lacerating her lip and chipping her teeth.
- On April 14, 2021, an APD officer released Oleoresin Capsicum ("OC") Spray in a manner which did not conform with the department's policy, Use of Force General Order No. 1.3.00.
- On April 14, 2021, a version of the U.S. flag with the "Blue Lives Matter"/ "Thin Blue Line" insignia was observed hanging in South Station, which is "inappropriate and against guidelines," per a statement made by Chief of Police Eric Hawkins.<sup>4</sup>
- T&M could not substantiate that on April 14, 2021, APD Officers removed their name tags and/or badges, but did observe that some officers obscured parts of their name tags with their body-worn cameras.
- After April 14, 2021, APD failed to investigate or refer for investigation allegations that Lieutenant Anderson's or any other APD Officer's personal information was shared online (known as doxing) and/or that any APD Officers and/or their families were threatened. T&M was unable to confirm that any APD Officers were doxed after April 14, 2021.

---

<sup>3</sup> Under Albany City Code § 42-343 (7) Powers and Duties: Statements made by complainants, APD officers or employees, or witnesses are subject to the CPRB's determinations of weight and credibility. Participation or lack of participation in the hearing process may be considered by the CPRB as one factor in their determination of credibility.

<sup>4</sup> For Chief Hawkins's statement, see page 45. "Thin Blue Line" imagery is linked to the "Blue Lives Matter" movement, which emerged as a countermovement to Black Lives Matter, a movement formed in protest of alleged and founded police misconduct. Such imagery has been associated, at times, with white supremacist organizations and law enforcement agencies across the U.S. have prohibited its use, citing its potential divisiveness. "Thin Blue Line" imagery is characterized by a thin blue line encased with black lines.

- 
- After April 14, 2021, through April 22, 2021, APD failed to adequately monitor activity at the South Station encampment.
  - On April 22, 2021, some APD Officers covered or removed their name tags and/or badges and some APD Officers failed to provide their name and/or badge number when requested to do so by civilians at the encampment.
  - On April 22, 2021, some APD Officers displayed “Blue Lives Matter”/ “Thin Blue Line” paraphernalia on their polymer shields and uniforms, and APD Supervisors failed to visibly inspect officers to ensure that their uniforms and gear were within APD guidelines and that their name and badge numbers were visible in violation of policy.<sup>5</sup>
  - On April 22, 2021, APD did not have a thorough plan for arrest processing, including but not limited to, a central repository to inform the public who was arrested and what was charged, and criteria for which arrestees would be eligible for Desk Appearance Tickets.
  - On April 22, 2021, lead operational Lieutenant Josiah Jones failed to wear a body-worn camera in violation of the department’s policy, Body-Worn Cameras General Order No.3.2.15 II.A.
  - On April 22, 2021, APD failed to safeguard an arrestee’s personal cell phone.
  - On April 22, 2021, APD failed to plan for the breakdown of the encampment and the safeguarding of personal property. In addition, APD failed to follow their own internal operational order regarding the takedown of the encampment.
  - APD investigated and reported the OPS Confidential Report separately from its investigation of CC2021-010, CC2021-011, CC2021-012 and CC2021-020. Additionally, APD failed to thoroughly investigate CC2021-010, CC2021-011, CC2021-012 and CC2021-20 in a timely manner in that their individual case findings were completed over two years after first being reported and well past the sixty (60) days designated in General Order 2.4.05 II B. APD failed to interview civilians when investigating for the OPS Confidential Report<sup>6</sup> and individual cases.
  - APD Officers failed to understand that displaying “Blue Lives Matter” / “Thin Blue Line” paraphernalia on uniforms and in the station can undermine the public’s trust.
  - After April 22, 2021, APD failed to conduct an After-Action Report of the takedown of the encampment in accordance with Emergency Operations Plan Critical Incidents General Order No. 3.9.00.

---

<sup>5</sup> See Exhibit 2, Uniform and Grooming Standards, APD General Order No 3.2.00, IV.

<sup>6</sup> While the report was labeled OPS Confidential Report, it was published in the *Times Union*. See Robert Gavin, Steve Hughes, Mike Goodwin, *Report: Police violated policy by covering badges before breaking up protester camp*, Times Union (Feb. 25, 2022), <https://timesunion.com/news/article/Report-Police-violated-policy-by-covering-badges-16946814.php>.



---

## Investigation Summary

### I. INVESTIGATION OVERVIEW

On May 15, 2023, the Albany Community Police Review Board (“CPRB”) assigned T&M USA, LLC (“T&M”) investigations CC2021-010, CC2021-011, CC2021-012 and CC2021-020. Specifically, T&M was engaged to investigate allegations arising out of a protest march on April 14, 2021, that ended at the Albany Police Department (“APD”) South Station, and the subsequent encampment of protesters outside the South Station which was terminated by the APD on April 22, 2021.

T&M immediately commenced its investigation and requested and ultimately reviewed a series of materials from the APD, as well as complainants, witnesses and independent research, including APD police reports, APD General Orders, Police Officer interview summaries, the APD Office of Professional Standards (“OPS”) Confidential Report, Police Officer body-worn cameras (“BWCs”), station cameras, photos, personnel files, emails, social media video, and recordings. From May 31, 2023, through October 16, 2023, T&M also interviewed ten (10) individuals in person, by teleconferencing or by telephone.

Based on the interviews conducted and materials examined during the investigation, T&M found that some of the allegations raised by the complaints to the CPRB were substantiated while others were unfounded. The allegations and T&M’s findings are discussed in more detail below.

To reach its findings, T&M evaluated the credibility of witnesses, including the details of the account provided, the circumstances of the disclosure, the consistency or inconsistency of an account of events given over time when available, the demeanor of a witness during an interview, the presence of an interest, bias or motive to lie, whether other corroborative or contradictory evidence existed, and whether the witness account comported with common sense and/or was plausible.<sup>7</sup>

### II. SUMMARY OF EVENTS

T&M Investigators were informed that on or about April 14, 2021, in Albany, New York, there was a march to protest the killing of Daunte Wright on April 11, 2021, in Minnesota by a police officer during a traffic stop. The protest started at Townsend Park and ended at the APD

---

<sup>7</sup> Under Albany Code § 42-343 (7) Powers and Duties: Statements made by complainants, APD officers or employees, or witnesses are subject to the CPRB's determinations of weight and credibility. Participation or lack of participation in the hearing process may be considered by the CPRB as one factor in their determination of credibility.

South Station. The protesters interviewed by T&M stated that the South Station was the end of the route. The protesters told T&M that when they arrived at the South Station, they were greeted by uniformed APD officers standing on the access ramp in front of the station.

Some of the protesters interviewed told T&M that it was a congenial atmosphere where they were playing music and smoking cannabis.<sup>8</sup> Other protesters told T&M that some of the protesters gathered on the outer portion of the access ramp and were saying “nasty things” to the officers. Some of the protesters were using chalk to write graffiti on the sidewalk area in front of the station. The officers told the protesters to leave the area.

The officers went back into the precinct and used handcuffs to lock the doors that led to the station. The protesters tried to enter the station and one protester threw an object at the glass, breaking it. The police came back out of the station, this time carrying OC Spray canisters.<sup>9</sup> The protesters stayed; one protester was holding a bright light and aiming it towards the officers. Another protester, Complainant #4 (“Complainant #4”) was using a megaphone and shouting “people over property.” Lieutenant Devin Anderson (“Anderson”) grabbed the megaphone from Complainant #4 and threw it behind her. While removing the megaphone from Complainant #4, Anderson hit Complainant #4 in the face with the megaphone causing her to receive a laceration on her lip, chipped teeth and to fall backwards into the crowd. The officers ordered the protesters to get off the ramp, and when they refused, they were sprayed with the OC Spray. The protesters got off the ramp and left the area in front of the station.

Later that evening, a few protesters came back and sat in folding chairs in front of the station. During the next six (6) days, the number of protesters in front of the station grew to an encampment, where the protesters maintained a twenty-four (24) hour presence. They set up tents, had portable heaters and generators and had food and clothing delivered to the location. Mayor Katherine Sheehan (“Sheehan”) and the APD Chief Eric Hawkins (“Hawkins”) allowed the protesters to stay as long as they remained peaceful.

---

<sup>8</sup> Governor Andrew Cuomo signed the Marijuana Regulation and Tax Act (“MRTA”) into law on April 1, 2021. The law legalized recreational use of marijuana.

<sup>9</sup> OC Spray stands for Oleoresin Capsicum and is a pepper spray, a natural substance derived from the resin of chili peppers that causes inflammation to the eyes, skin, and nose, and can be sprayed from a distance to deter attackers.





Figure 1. Photograph of the encampment.



Figure 2. Photograph of the encampment.

---

On April 22, 2021, the APD told the protesters that they had to leave the encampment, or they would be arrested. The APD plan was to have a conversation with one of the protest leaders and explain that it was time to take down the encampment and give the protesters fifteen (15) minutes to comply; however, APD Lieutenant Josiah Jones (“Jones”) was unable to speak with a leader so he got on his megaphone and announced that the protesters had fifteen (15) minutes to leave, or they would be arrested. There was a small group of protesters at the location, and a few of the protesters started to move some dumpsters to function as barricades, and a few donned gas masks.

The APD came back in full riot gear and forcibly pushed the protesters off the site and arrested any protesters who did not comply with orders to disperse. Some of the APD officers removed their name tags and badges before they participated in taking down the encampment. Thirteen (13) individuals were arrested. The Albany Department of General Services (“DGS”) came to the station and removed the property that remained at the encampment.

On both dates, APD officers failed to provide their names and badge numbers when requested by the protesters.

### **III. CPRB COMPLAINTS**

The CPRB and OPS received four complaints: CC2021-010, CC2021-011, CC2021-012, and CC2021-020. These complaints were investigated separately by OPS and by T&M on behalf of the CPRB. While the complaints were reported separately, they are similar in nature. The complaints begin with the incidents outside the South Station on April 14, 2021, through the takedown of the encampment at that location on April 22, 2021. Many of the witnesses interviewed were able to provide information on multiple CPRB complaints. Therefore, for the purposes of describing the investigatory steps, materials reviewed, and interviews, T&M is treating the complaints together. Many of the witnesses’ interviews and documents overlap with more than one of the complaints. This section will address these complaints and the investigatory steps and analysis provided by T&M. The complaints were as follows:

**Complaint:** #CC2021-010

**Date Received:** April 29, 2021

**Complainant’s Name:** Complainant #1 (“Complainant #1”)

**Subject:** APD Officers

**Dates:** April 14 and 22, 2021

**Allegations:** APD officers removed their name tags and badges on April 14 and 22, 2021. On April 22, 2021, officers used excessive force when clearing the encampment on Arch Street. On April 22, 2021, officers had “Thin Blue Line” insignias on their uniforms and equipment.

---

---

**Complaint:** #CC2021-011

**Date Received:** April 29, 2021

**Complainant's Name:** Complainant #2 ("Complainant #2")

**Subject:** APD Officers

**Date:** April 22, 2021

**Allegations:** According to Complainant #2, on April 22, 2021, she was protesting and witnessed APD officers in full riot gear not wearing name tags or badges. Complainant #2 asked officers their names and they refused to provide their names. Complainant #2 said officers were wearing "Blue Lives Matter" masks and had similar "Blue Lives Matter" decorations on their riot gear.

---

**Complaint:** #CC2021-012

**Complainant's Name:** Complainant #3 ("Complainant #3")

**Subject:** APD Officers

**Date:** April 22, 2021

**Allegations:** According to Complainant #3, her daughter Samira was protesting on April 22, 2021, and called her to tell her that the protesters were told that they had fifteen (15) minutes to remove their belongings and leave the location. Complainant #3 got to the location and was told by other protesters her daughter was dragged away by her legs by an APD officer. Complainant #3 asked multiple officers where her daughter was, the officers were not wearing badges or name tags and refused to answer her. Complainant #3 received a number for central booking but could not get an answer as to where her daughter was. Eventually she was told by an officer that her daughter was being booked at Albany jail, but that information was not accurate. Her daughter was released from South Station. She believes the officers were trying to terrorize the families of the protesters.

---

**Complaint:** #CC2021-020

**Complainant:** Complainant #4 ("Complainant #4")

**Subject:** Lieutenant Devin Anderson

**Date:** April 14, 2021

**Allegations:** Complainant #4 was protesting at South Station. She was on the ramp opposite the entrance using a megaphone. She said that Anderson grabbed her megaphone and smashed her in her mouth with the megaphone. Complainant #4 says that her two front teeth went through her upper lip and chin, resulting in a lacerated lip and chipped tooth. Complainant #4 said that she had to go to a dentist to have her teeth shaved, and that she had no insurance. Complainant #4 said Anderson ordered his officers to attack the rest of the protesters. She said they were sprayed with expired bear mace, beaten with Billy clubs (batons), and subjected to excessive force. She said they retreated but came out and attacked two more times. Complainant #4 says she suffers from PTSD from the event.

---

#### **IV. INVESTIGATION METHODOLOGY**

During this investigation T&M interviewed ten (10) witnesses in person, telephonically and virtually. T&M interviewed three (3) members of the APD, including Chief Hawkins, Commanders Darrell Gipson (“Gipson”) and Christopher Cornell (“Cornell”). Lieutenants Anderson and Jones were subpoenaed to appear but failed to appear for their interviews. T&M was advised by counsel for the Lieutenants that they were not appearing for their interviews. T&M did not subpoena any other officers but reviewed the summaries of their interviews with OPS. T&M interviewed Complainant #1, Complainant #2, Complainant #3, Witness #1, Complainant #4, Witness #2 and Witness #3.

T&M viewed APD officers’ body-worn cameras, station cameras, videos and pictures provided by witnesses, social media postings, and media coverage of the incidents. T&M reviewed Hawkins’s Executive Summary, the OPS Confidential Report,<sup>10</sup> OPS Case Summaries, APD Disciplinary Histories, APD General Orders, APD Intra-Departmental Correspondences and APD emails.

#### **V. SUMMARY OF FINDINGS**

Based on the interviews conducted and materials examined during the investigation, T&M finds that some of the issues raised by the complainants to CPRB did occur, in that on April 14, 2021, Anderson caused injury to Complainant #4 when he removed the megaphone from her, and OC Spray was used on some of the protesters who refused to leave the ramp in the front of South Station.<sup>11</sup> T&M found that APD failed to follow their internal guidelines for the use of OC Spray. T&M found that APD failed to provide proof that an officer was “doxed,”<sup>12</sup> nor did they open or refer an investigation into the alleged doxing.

T&M found that on April 22, 2021, some officers removed their name tags and/or badges (see figs. 3–4), refused to provide their names to civilians, wore “Blue Lives Matter”/ “Thin Blue Line” paraphernalia (see figs. 7 and 9), had thin blue lines surrounded by blacklines on their polymer shields (see figs. 5–7 and 9), failed to provide accurate information regarding arrestees, and failed to safeguard arrestees’ personal property.

---

<sup>10</sup> The report contained summaries of individual officer’s interviews.

<sup>11</sup> T&M could not corroborate the protesters’ claim that the APD officers used bear spray.

<sup>12</sup> “Dox” means “to publicly identify or publish private information about (someone) especially as a form of punishment or revenge.” See <https://www.merriam-webster.com/dictionary/dox>.

Additionally, T&M found that the APD failed to follow its own internal operational order for the takedown of the encampment, did not visually inspect the officers to ensure that their uniforms and gear were within guidelines, did not follow APD General Orders regarding badge and name placement on uniforms,<sup>13</sup> did not have a thorough plan for arrests including but not limited to a central repository to inform the public who was arrested and what they were charged with, failed to make upfront decisions on what would be charged and criteria for receiving Desk Appearance Tickets (“DATs”), did not have intelligence regarding the physical make-up of the encampment, did not ensure that the lead Lieutenant activated his body-worn camera, did not have a plan for the breakdown of the encampment and the safeguarding of personal property and did not conduct a post-operative review of the takedown and failed to create an After Action Report.

APD OPS investigated the four (4) civilian complaints that were also investigated by T&M on behalf of CPRB. OPS did not appear to conduct in-person interviews of any of the civilian complainants but nonetheless delivered findings in response to the four allegations.<sup>14</sup> OPS found that the APD officers were given permission to remove their nametags but not their badge numbers. However, OPS found that some APD officers removed both name tags and badges. OPS excused this behavior on the part of the officers because they determined that Hawkins’s directive was not clearly conveyed to the officers on April 22, 2021. OPS did not find that the officers failed to provide their names and/or badge numbers when asked by multiple civilians.

OPS did not find that the officers were wearing “Blue Lives Matter” paraphernalia or were carrying polymer shields with thin blue lines encased in black lines (“Thin Blue Line”). However, T&M observed that polymer shields bearing the “Thin Blue Line” insignia were clear from viewing the officers’ body-worn camera and social media (see figs. 5–7 and 9).

T&M could not confirm that APD officers were wearing “Blue Lives Matter” face masks but observed a “Blue Lives Matter / “Thin Blue Line” flag on the wall in South Station (see fig. 10) and a “Blue Lives Matter/Thin Blue Line” patch or sticker on an APD officer’s vest (see fig. 7). T&M observed a number of APD officers wearing blue neck garters with an image of the American flag.

---

<sup>13</sup> See Exhibit 1 Uniform and Grooming Standards, APD General Order No 3.2.00, IV.

<sup>14</sup> OPS spoke with at least two of the complainants but there is nothing in the material provided by the APD that memorializes the complainants’ statements.





Figure 3. APD officer covering name and badge number on April 22, 2021.



Figure 4. APD officer covering badge number on April 22, 2021.



Figure 5. APD officer holding polymer shield with “Thin Blue Line” insignia on April 22, 2021.<sup>15</sup>



Figure 6. APD officers holding polymer shields with “Thin Blue Line” insignia on April 22, 2021.<sup>16</sup>

<sup>15</sup> Fig. 5 image source: Screenshot of video footage recorded and posted on Vimeo by Bhawin Suchak (Apr. 23, 2021), <https://vimeo.com/540571411>.

<sup>16</sup> Fig. 6 image source: Screenshot of video footage recorded and posted on Vimeo by Bhawin Suchak (Apr. 23, 2021), <https://vimeo.com/540571411>.



Figure 7. An APD officer wearing a "Thin Blue Line" version of the U.S. flag on their uniform and three APD officers holding polymer shields with the "Thin Blue Line" insignia on April 22, 2021.<sup>17</sup>



Figure 8. APD officers wearing blue masks and neck gaiters on April 22, 2021.

<sup>17</sup> Fig. 6 image source: Screenshot of video footage recorded and posted on Vimeo by Bhawin Suchak (Apr. 23, 2021), <https://vimeo.com/540571411>.





Figure 9. APD officer wearing a bracelet what appears to be the “Thin Blue Line” insignia on April 22, 2021.



Figure 10. A “Blue Lives Matter”/ “Thin Blue Line” version of the U.S. flag displayed on the wall in the Albany Police Department South Station on April 14, 2022.

OPS did not find that Anderson used excessive force when he removed the megaphone from Complainant #4 on April 14, 2021. The OPS report did not address whether she was injured as a result of the incident, despite the fact that Complainant #4 provided APD with her physical and dental records. OPS did not find that the officers used excessive force despite officers’ body-worn cameras showing an officer using his baton on a protester who was laying on the ground. OPS did find that Witness #1’s cell phone was not safeguarded but blamed that on Witness #1 failing to comply with a lawful order.

To reach its findings, T&M examined all the witness accounts, APD body-worn cameras, and documents provided, as well as a media review. T&M used various factors to evaluate the credibility of the witnesses interviewed by T&M and the credibility of the witnesses interviewed by APD based on the summaries utilized for its Confidential Report. T&M reviewed the



---

consistency or inconsistency of their various accounts of events over time, the witnesses' demeanor during their interviews, the witnesses' motive to lie, and whether other information corroborated or contradicted their accounts.

After applying these tests to each witness's account, T&M found that most of the witnesses agreed as to the basic facts surrounding the events in question, but their description of the events was colored by their personal interests. For example, some of the protesters described their actions in front of the South Station on April 14, 2021, as a "great big party," "we were just hanging out, listening to music and smoking some joints." The APD officers in their interviews to OPS described the same event as "a mob riot of about 30 to 50 people screaming into multiple megaphones." T&M's investigation found that there were about ten (10) to fifteen (15) protesters in front of the station, with one (1) or two (2) megaphones and one (1) LED light. The descriptions of events by the protesters and the officers continued to differ throughout the subsequent encampment and the takedown on April 22, 2021. T&M did find that some of the protesters yelled racial slurs at the officers. T&M found that some protesters failed to comply with a lawful order on April 14, 2021, to leave the ramp in front of the station. T&M found that while some protesters failed to comply with an order to vacate the encampment on April 22, 2021, the order to vacate was made via a megaphone, not directly to a leader and the fifteen (15) minute time frame to disband the encampment was unrealistic.

The chart on the following pages displays OPS findings alongside T&M findings for all four (4) CPRB cases investigated, as well as additional findings by T&M.

**Table 1. Comparison Between OPS Findings and T&M Findings**

OPS Case No. & Case Synopsis	OPS Finding	T&M Finding
<p><b>CC2021-010</b>  The complainant alleged that officers obscured or removed nametags and/or badges, that officers used excessive force, and that officers wore Blue Lives Matter or “Thin Blue Line” insignia on their riot gear on April 22, 2021.</p> <p>Allegation(s):  Conduct Standards (3 counts)  Use of Force (1 count)</p>	<p>OPS made the following findings as to the conduct of the officer(s) involved:</p> <ul style="list-style-type: none"> <li>i. With regards to 1 count of allegation of improper Conduct Standards that occurred on April 14, 2021, 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.</li> <li>ii. With regards to the 1 count of allegation of improper Conduct Standards that occurred on April 22, 2021, 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.</li> <li>iii. With regards to the 1 count of allegation of improper Use of Force that occurred on April 22, 2021, OPS reached a finding of <b>Unfounded</b> – where the review shows that the act or acts complained of did not occur or were misconstrued.</li> <li>iv. With regards to 1 count of the alleged improper Conduct Standards that occurred on April 22, 2021, OPS reached a finding of <b>Unfounded</b>.</li> </ul>	<p>T&amp;M made the following findings as to the conduct of the officer(s) involved:</p> <ul style="list-style-type: none"> <li>i. With regards to 1 count of the alleged improper Conduct Standards of removing APD identification that occurred on April 14, 2021, T&amp;M reached a finding of <b>Not Sustained</b>.</li> <li>ii. With regards to the 1 count of allegation of improper Conduct Standards of removing APD identification that occurred on April 22, 2021, T&amp;M reached a finding of <b>Sustained</b>.</li> <li>iii. With regards to the 1 count of allegation of improper Use of Force that occurred on April 22, 2021, T&amp;M reached a finding of <b>Not Sustained</b>.</li> <li>iv. With regards to 1 count of the alleged improper Conduct Standards of having thin blue lines on their uniforms and equipment that occurred on April 22, 2021, T&amp;M reached a finding of <b>Sustained</b>.</li> </ul>

OPS Case No. & Case Synopsis	OPS Finding	T&M Finding
<p><b>CC2021-011</b> The complainant alleged that police removed badges and/or name tags on April 14 and April 22, 2021, “Thin Blue Line” insignia was present on April 22, and excessive force on April 22.</p> <p>Allegation(s): Conduct Standards (2 counts) Use of Force (1 count)</p>	<p>OPS made the following findings as to the conduct of the officer(s) involved:</p> <ul style="list-style-type: none"> <li>i. With regards to the 1 count of alleged of improper Conduct Standards, OPS reached a finding of <b>Exonerated</b>.</li> <li>ii. With regards to the 1 count of the alleged improper Conduct Standards, OPS reached a finding of <b>Unfounded</b>.</li> <li>iii. With regards to the 1 count of alleged improper Use of Force, OPS reached a finding of <b>Unfounded</b>.</li> </ul>	<p>T&amp;M made the following findings as to the conduct of the officer(s) involved:</p> <ul style="list-style-type: none"> <li>i. With regards to the 1 count of alleged improper Conduct Standards of removing APD identification, T&amp;M reached a finding of <b>Sustained</b>.</li> <li>ii. With regards to the 1 count of alleged improper Conduct Standards in multiple APD Officers failing to provide their names or badge numbers, T&amp;M reached a finding of <b>Sustained</b>.</li> <li>iii. With regards to the 1 count of alleged improper Use of Force, T&amp;M reached a finding of <b>Not Sustained</b>.</li> </ul>
<p><b>CC2021-012</b> The complainant alleged that police used excessive force and failed to safeguard personal property when arresting her daughter on April 22, 2021.</p> <p>Allegation(s): Use of Force (1 count) Conduct Standards (2 counts) Call Handling (1 count) Evidence &amp;Property Handling (1 count)</p>	<p>OPS made the following findings as to the conduct of the officer involved:</p> <ul style="list-style-type: none"> <li>i. With regards to the 1 count of alleged improper Excessive Force, OPS reached a finding of <b>Exonerated</b>.</li> <li>ii. With regards to 1 count of Conduct Standards, the OPS reached a finding of <b>Sustained</b>. <b>* The complainant did not make this allegation; this involves Commander Joseph McDade who gave the order to give officers permission to cover and remove their name tags.</b></li> <li>iii. With regards to 1 count of Conduct Standards, OPS reached a finding of <b>Exonerated</b>.</li> <li>iv. With regards to 1 count of Call Handling, the OPS reached a finding of <b>Exonerated</b>.</li> <li>v. With regards to 1 count of Evidence &amp; Property Handling is <b>Sustained</b>.</li> <li>vi. With regards to 1 count of Conduct Standards, the OPS reached a finding of <b>Sustained</b>. <b>* The complainant did not make this allegation; this involves Lieutenant Josiah Jones who failed to wear a body-worn camera.</b></li> </ul>	<p>T&amp;M made the following findings as to the conduct of the officer(s) involved:</p> <ul style="list-style-type: none"> <li>i. With regards to 1 count of alleged improper Excessive Force, T&amp;M reached a finding of <b>Not Sustained</b>.</li> <li>ii. With regards to 1 count of Conduct Standards, T&amp;M reached finding of <b>Sustained</b>. <b>* The complainant did not make this allegation; this involves Commander Joseph McDade who gave the order to give officers permission to cover and remove their name tags.</b></li> <li>iii. With regards to 1 Count of Conduct Standards, T&amp;M reached a finding of <b>Sustained</b>.</li> <li>iv. With regards to 1 count of Call Handling, T&amp;M reached a finding of <b>Sustained</b>.</li> <li>v. With regards to 1 count of Evidence and Property Handling, T&amp;M reached a finding of <b>Sustained</b>.</li> <li>vi. With regards to 1 count of Conduct Standards, T&amp;M reached a finding of <b>Sustained</b>. <b>* The complainant did not make this allegation; this involves the Lieutenant Josiah Jones who failed to wear a body-worn camera.</b></li> </ul>

OPS Case No. & Case Synopsis	OPS Finding	T&M Finding
<p><b>CC2021-020</b></p> <p>The complainant alleged experiencing excessive force on April 14, 2021.</p> <p>Allegation(s): Use of Force (3 counts)</p>	<p>OPS made the following findings as to the conduct of the officer involved:</p> <ul style="list-style-type: none"> <li>i. With regards to 1 count of the alleged improper Use of Force, on April 14, 2021, by Lieutenant Devin Andersen towards a person known to APD, OPS reached a finding of <b>Unfounded</b>.</li> <li>ii. With regards to 1 count of alleged improper Use of Force, on April 14, 2021, OPS reached a finding of <b>Unfounded</b>.</li> <li>iii. With regards to 1 count of alleged improper Use of Force, on April 14, 2021, OPS reached a finding of <b>Unfounded</b>.</li> </ul>	<p>The T&amp;M made the following findings as to the conduct of the officer involved:</p> <ul style="list-style-type: none"> <li>i. With regards to 1 count of the alleged improper Use of Force, on April 14, 2021, by Lieutenant Devin Anderson towards a person known to APD, the T&amp;M reached a finding of <b>Sustained</b>.</li> <li>ii. With regards to 1 count of the alleged Use of Force, on April 14, 2021, T&amp;M reached a finding of <b>Unfounded</b>.</li> <li>iii. With regards to 1 count of the alleged Use of Force, on April 14, 2021, T&amp;M reached a finding of <b>Not Sustained</b>.</li> </ul>
<b>Additional T&amp;M Findings</b>		
<p>With regards to the allegations that APD officer(s) were “doxed,” <b>T&amp;M did not find any evidence that any officer(s) were “doxed.”</b></p> <p>With regards to the allegation that APD failed to monitor activity at the encampment from April 14, 2021, through April 22, 2021, <b>T&amp;M did find that because of a lack of intelligence, APD was unprepared to remove the encampment on April 22, 2021.</b></p> <p>Other misconduct noted:</p> <ul style="list-style-type: none"> <li>i. On April 14, 2021, Sergeant Anthony DiGiuseppe released OC Spray and failed to follow APD Guidelines.</li> <li>ii. On April 14, 2021, a “Blue Lives Matter”/ “Thin Blue Line” flag was observed hanging in South Station.</li> <li>iii. After April 14, 2021, APD failed to investigate or refer for investigation allegations that APD officers were threatened on-line and/or “doxed.”</li> <li>iv. After April 14, 2021, APD ordered that officers could cover or remove their name tags after claims of officers being “doxed.”</li> <li>v. From April 14, 2021, through April 22, 2021, APD failed to monitor the protesters’ activities at the South Station encampment.</li> <li>i. On April 22, 2021, APD failed to follow their own operational order regarding the takedown of the encampment.</li> <li>ii. On April 22, 2021, APD Supervisors failed to visibly inspect officers to ensure that their uniforms and equipment met APD Guidelines.</li> <li>iii. On April 22, 2021, APD failed to follow APD General Orders Uniform Guidelines regarding badge and name placement on uniforms.</li> <li>iv. On April 22, 2021, APD did not have a thorough plan for processing and charging arrestees.</li> <li>v. After April 22, 2021, APD failed to conduct a post-operative review and After-Action Report of the takedown of the encampment.</li> <li>vi. APD failed to understand that officers displaying “Blue Lives Matter”/ “Thin Blue Lives” paraphernalia on uniforms and equipment undermined the protestors’ trust.</li> <li>vii. APD investigated the individual cases separately from the OPS Confidential Report and failed to conduct a thorough and timely investigation.</li> </ul>		

---

## **VI. SUMMARY OF INTERVIEWS**

T&M interviewed seven (7) civilian witnesses and three (3) uniform members of the APD.<sup>18</sup> The summaries of the interviews are below.

### **1. Chief of Police Eric Hawkins**

Hawkins was interviewed regarding the events of April 14, 2021, at South Station through the encampment and takedown on April 22, 2021, on August 24, 2023, at Albany Police Headquarters and via Zoom on August 28, 2023. Hawkins has been the Chief of Police at APD since September of 2018. Prior to coming to Albany as the Chief, he was the Chief of Police for Southfield, Michigan. He started there as a cadet and rose through the ranks to become the Chief. He oversees a force that is budgeted for approximately 450 members, including sworn and unsworn members. Presently he has 55 vacancies in the rank of officer. Hawkins's executive team consists of two Deputy Chiefs and five Commanders. He believed that Deputy Chief Brian Hogan was one of the Deputy Chiefs in April 2021 but could not remember if Deputy Chief Donohue was the second Deputy Chief. Hawkins told T&M that one Deputy Chief handles the administrative side of the department and the other oversees the operational side of the department. In April of 2021, Gipson was the Commander of Central Station and Joseph McDade ("McDade") was the Commander of South Station.<sup>19</sup>

Hawkins told T&M that there was some protest on April 14, 2021, but he did not specifically remember what it was about. T&M asked him if he read his Executive Summary and/or the OPS Confidential Report. Hawkins indicated that he read it when it was first released but did not read it again prior to this interview. Hawkins said he was told that protesters were outside of South Station but could not remember who told him but said that it was probably one of the Deputy Chiefs. Hawkins said that he was told Anderson was at the station and "the station was attacked." He said he was told that windows were broken, and that protesters were trying to get access to the station and the officers had to use force to remove the protesters from the station. Hawkins was not aware if the Commander of South Station was present at the time of the unrest. Hawkins did not know what, if anything, the officers who accompanied the protesters on their march towards South Station were doing at the time the protesters were trying to enter the station. He said that it was possible they were maintaining the perimeter, but he had no independent knowledge of what was happening.

---

<sup>18</sup> Chief Hawkins and Commanders Gipson and Cornell cooperated with T&M's requests for an interview. Lieutenants Jones and Anderson failed to appear after being duly served with subpoenas.

<sup>19</sup> Hawkins told T&M that he could not remember who the Commander in charge of South Station in April 2021 was, T&M informed him that it was McDade.

Hawkins was asked about Anderson removing the megaphone from Complainant #4 and her claim that Anderson hit her with the megaphone, lacerating her lip and chipping and scratching her teeth. He acknowledged being aware that she made a forced allegation against a member of his department. He said he did not know if Complainant #4 was interviewed about her allegations by OPS but told T&M that it is reasonable to interview the complainant to obtain both sides of the story. Hawkins said he viewed the video and while he cannot remember what Complainant #4 was saying into the megaphone, Anderson was justified in removing it from her. Hawkins said it was a chaotic scene and the officers were trying to gain control. However, Hawkins told T&M that he did not perceive Complainant #4's use of a megaphone as a threat in and of itself but rather combined with the other actions of the protesters it rose to the level of a threat to the officers.

Hawkins was asked if the protesters were sprayed with a substance to get them to leave the ramp in front of the station. He told T&M that for an operation such as this the officers would use "regular OC Spray." The following is an excerpt from Hawkins' interview with T&M.

T&M: "a lot of the protesters told us that the department was using expired bear spray. Do you know why they would say that?"

Hawkins: "I do not know."

T&M: "Does the APD ever use expired bear spray?"

Hawkins: "As a practice we do not use expired chemicals or sprays."

T&M: "Specifically do you use bear sprays?"

Hawkins: "We use OC gas."

T&M: "Pepper spray?"

Hawkins: "Pepper spray, yes."

T&M: "Does the APD use spray that is specified to be used on bears? Does the APD do that to protesters?"

Hawkins: "We haven't had bears in the City of Albany."<sup>20</sup>

T&M: "We know that there were allegations that expired bear spray was used. They look like the foggers or pepper spray that were there. You say they didn't have it, or you do not know?"

Hawkins: "Not to my knowledge."

Hawkins told T&M that after the incident at South Station he was advised that there was a possibility that a group of individuals may attempt to set up an encampment on the roadway

---

<sup>20</sup> In July 2023, a black bear was spotted near New Scotland Avenue and Ontario Street in the City of Albany, according to the state Department of Environmental Conservation. Patrick Tine, *Black Bear Spotted in Albany*, Times Union (Jul. 3, 2023), <https://www.timesunion.com/news/article/black-bear-spotted-near-albany-s-new-scotland-18182522.php>.



outside South Station. Hawkins said the community response to the encampment was mixed, some positive and some negative. T&M asked Hawkins if he and the Mayor came out and said as long as the encampment remains peaceful, that he wouldn't ask them to move. Hawkins told T&M he didn't recall his exact statement and added that he made a lot of public statements. Hawkins told T&M that he was communicating with community activist Person #1 ("Person #1"),<sup>21</sup> but denied texting her that he would let her know ahead of time if the encampment was going to be taken down. Hawkins told T&M that between April 14, 2021, and April 22, 2021, he did not meet with any of the protesters, nor was he aware if any of his staff met with them. Hawkins told T&M he did not remember the list of demands that the protesters compiled including that they wanted Anderson fired.

T&M asked Hawkins if he assigned anyone of his staff members to monitor the situation at South Station and report back to him. Hawkins said his Deputy Chief of Operations would have been reporting to him, however Hawkins did not remember who his Deputy Chief was at the time. Hawkins told T&M he was meeting with the Deputy Chiefs and his executive staff daily.

Hawkins told T&M that he appointed an APD officer to liaison with the protesters at the encampment, however he could not remember who it was.<sup>22</sup> Hawkins told T&M that the location of the encampment was interfering with the traffic flow of downtown. Hawkins was asked if he offered the protesters an alternate location and he told T&M he couldn't recall. Hawkins told T&M that after a few days the dynamic of the encampment changed. Hawkins told T&M that they learned of emergent threats to sensitive security systems that could affect the Capital Region. Hawkins would not disclose what the threats were or how they would affect the region but said that is why he decided to take down the encampment.

Hawkins told T&M that some officers including Anderson were being "doxed."<sup>23</sup> He didn't know who the other officers were, nor did he remember if he saw any examples of these threats that were on social media. He didn't remember who told him but opined that it was probably one of his Deputy Chiefs, but since he didn't remember who his Deputy Chiefs were two years ago, he could not identify which Chief may have told him. Hawkins was asked if the APD Detective Bureau investigated these threats to his officers and their families. Hawkins could not recall what response if any the APD had to these threats.<sup>24</sup> Hawkins told T&M that on April 21, 2021, he decided that he would shut down the encampment the next day. Hawkins told T&M that he decided to allow APD officers who were going to assist in the takedown to remove their name tags but not their badges. He said he gave this direction to his Deputy Chiefs and Commanders

---

<sup>21</sup> T&M attempted to interview Amy Jones, but she did not cooperate with T&M.

<sup>22</sup> None of the civilians interviewed told T&M that there was an assigned APD liaison.

<sup>23</sup> "Dox" means "to publicly identify or publish private information about (someone) especially as a form of punishment or revenge." See <https://www.merriam-webster.com/dictionary/dox>.

<sup>24</sup> APD informed T&M that no cases were opened by the Detective Bureau regarding online threats to APD officers, nor were any allegations referred to any other law enforcement agencies.



but could not recall which ones. He told T&M that this directive was not in writing, nor did it go out via email to APD officers. He said, “this was an oral direction for a special operation.”

Hawkins told T&M that there was a pre-operational order for the takedown of the encampment. Hawkins told T&M that he didn’t recall exactly what was in the order nor did he remember who the incident commander was but knew that there was an incident commander. T&M asked Hawkins if he was aware that Jones took charge at the scene and Hawkins told T&M “that if [it] was in the report. Yes. I just don’t recall. It’s been a while. I just haven’t seen the report in a while.” T&M asked Hawkins if he decided not to read it again, “even though you knew we were going to talk about it.” Hawkins said, “yes, correct.”<sup>25</sup> Hawkins said that there were no outside agencies involved in the planning process, but the DGS was on standby for cleaning.<sup>26</sup> T&M asked Hawkins if Jones was supposed to talk with the leaders at the encampment and tell them they had fifteen (15) minutes to leave or be arrested, but when Jones got to the encampment there were no leaders there, so he just told the protesters to leave. Hawkins said he didn’t know if there were leaders there but said that the protesters were not responsive and actively hostile, therefore the arrest team was sent out. He said the protesters were aggressive and in his mind that meant they were likely to incite a riot.

Hawkins was asked if there were places on the uniforms for name tags and badges. Hawkins told T&M “that the badge is on left breast and name tag is on the right.” He said the same applies to outerwear such as jackets. T&M asked him about vests, and he said that he has since learned that the name tags and badges were together, and it has been corrected. Hawkins said the station commanders are responsible for ensuring that officers are wearing uniforms and gear that comply with Department policy and he expects the officers’ immediate supervisors to inspect what the officers are wearing. Hawkins told T&M that they supplied face masks for officers during Covid, but officers were allowed to wear their own masks. When asked if it was appropriate for officers to wear face masks with the “Blue Lives Matter” logos, Hawkins said it was not endorsed. Hawkins told T&M that the thin blue lines on the polymer shields were not in compliance with APD equipment standards. Hawkins told T&M he doesn’t know now what the standard polymer shield should look like. Hawkins told T&M that he is confident now that officers are following uniform standards. Hawkins told T&M that he was at South Station between April 14, 2021, and for the takedown on April 22, 2021. T&M asked him if he saw a “Blue Lives Matter” flag in the lobby of South Station. Hawkins said he did not see it, nor was it allowed. Hawkins told T&M that there was no formal post-operative report prepared after the takedown.

---

<sup>25</sup> Hawkins was interviewed on two separate occasions and did not review the OPS report before either of his interviews.

<sup>26</sup> Neither the Albany Fire Department nor Emergency Medical Services were part of the planning of the takedown of the encampment nor were they on site on April 22, 2021, when the takedown occurred.

---

## **2. Commander Darrell Gipson**

Gipson was interviewed via Zoom on September 13, 2023. Gipson has worked at the APD for almost thirty (30) years and has been the Commander of Central Station since 2015. He said he reports to Deputy Chief Vincent Foley. He said that in April 2021, McDade was the Commander in charge of South Station. He said if he is not at the station then a Lieutenant will be in charge. Gipson told T&M that he is the APD representative on the Special Permits Committee. He said after the George Floyd incident that some of the protest marches had permits while others did not. He said that sometimes the department would be contacted by someone in the group to let them know there was a march, other times they would learn about it from social media.

T&M asked Gipson about the march on April 14, 2021. Gipson told T&M he didn't remember much about it since it was not his station. He said he remembered that a Lieutenant took a bullhorn and that sparked the second one which he was at. He said the protesters were upset with Anderson.

Gipson told T&M that he was familiar with the OPS Confidential Report. He said it was not distributed to the command staff.<sup>27</sup> He read it in the paper. He did read his interview summary prior to meeting with T&M. Gipson told T&M that the command staff meets on Monday, Wednesday, and Friday, but he thinks during the encampment they may have met every day. Gipson said that Hawkins's original position on the encampment was to leave it there.

Gipson told T&M that in April 2021 the Crime Analysis Resource Center was at South Station, and presently it is in APD headquarters. Gipson said it is a multi-jurisdictional unit and he believed they were monitoring the situation at the encampment. He did not know if there were cameras on the protesters throughout their time at the encampment but said on the day of the takedown there was an officer on the roof with a camera.

Gipson told T&M on the original day of the encampment he approached some of the protesters and asked them to move and put out their fires. Gipson said they responded negatively. He said he is African American, and they called him all kinds of names and used racial slurs. He told T&M, "Yeah, more or less told me to go fuck off."

Gipson said that he was aware that there were allegations that Anderson was being "doxed." Gipson told T&M that while he heard about it, he never saw any proof of the threats. Gipson told T&M that Police Officer Michael Delano ("Delano")<sup>28</sup> approached him and told him that APD officers were concerned that their families could be targeted on social media by wearing their name tags. Delano asked Gipson if he would talk to the Chief about their concerns. Gipson relayed Delano's concerns to Hawkins. Gipson said that Hawkins said he had no issues with that

---

<sup>27</sup> In April 2021, the command staff consisted of Chief Hawkins, Deputy Chiefs Hogan and Edward Donahue, Commanders Foley, McDade, Anthony Battuello and Gipson.

<sup>28</sup> Delano is presently president of Police Benevolent Association.

since the officers could be identified by their badges. Gipson said that Hawkins told the command staff that under certain circumstances APD officers were authorized to remove or cover their name tags but not their badges. Gipson said that there were no formal communications regarding Hawkins's policy change.

Gipson told T&M that Hawkins made the decision to take down the encampment one or two days before the actual takedown. Gipson said once Hawkins made the decision, Hogan had a meeting with APD Emergency Services, and some other APD units. The mission was to open the street to let traffic flow and give the protesters an area to continue their protest. Gipson told T&M he wasn't told why Hawkins changed his position. Gipson said that he met with Jones and McDade on April 22, 2021, before the takedown, to review the plan. Gipson said they then met with the officers involved in the patrolman garage. Jones read off the plan from what appeared to be notes on his phone. Gipson told T&M he was in the garage checking morale and equipment. Gipson wasn't clear if the incident commander was Hogan or McDade. Gipson said it was McDade who told officers they could cover their name tags. He said he wasn't there when McDade issued the order but heard about it from other members of the Department.

Gipson told T&M that he thought Jones was going to speak with whomever was in charge and tell them it was time to take down the encampment. Gipson said that Jones went out and told the protesters they had fifteen (15) minutes to leave. He said they waited a few minutes to see if the protesters would leave and once they saw the protesters were not leaving and starting to set up barricades, they lined up and proceeded to move to take down the encampment. Gipson told T&M that he wouldn't describe the crowd as hostile, just non-compliant.

Gipson said there was no plan to safeguard the protesters' property such as tents and personal belongings. He said DGS was on standby to come clean up once the encampment was taken down. Gipson said that they were not prepared for stuff that was there. He said the tents were difficult to move and they ended up having to walk around them.

T&M asked Gipson about the uniforms for the APD. Gipson said there are different uniforms depending on the season and/or assignment. He said all uniforms have a place for name tags and badges. Gipson said that he was not aware that officers were wearing "Blue Lives Matter" facemasks and while he did not have an issue with it, he understood that it may not have been well received. Gipson said that the polymer shields should be clear with nothing on them. He stated that supervisors such as Sergeants should check that officers have the right equipment, but they do not ensure everyone is in the right uniform. Gipson said that is the job of OPS. Gipson was not aware that some officers also covered their badge numbers until he read it in the paper. He did not cover his name or his badge number. Gipson thought McDade may have received some discipline regarding the issue with the covering of the badges. Gipson told T&M that there was no post-operative report or analysis.

---

### **3. Commander Christopher Cornell**

Cornell was interviewed via Zoom on September 13, 2023. Cornell is the Commander of Investigations. He currently supervises the Criminal investigations Unit, Child and Family Services Unit, Community Response Unit, Forensic Investigations Unit, and Information Coordination Unit.<sup>29</sup> Cornell was hired in 2005 and became a Commander in May 2022. In April 2021, Cornell was assigned as a Detective Sergeant in the Criminal Investigations Unit and Deputy Chief Foley was the Commander of Investigations.

T&M asked Cornell about the protest that ended at South Station. He was not sure if he was at the station or got called to come back. He said he does remember reviewing a video with a couple of detectives. He told T&M the purpose of the review was to attempt to identify the protesters who threw bottles or did damage to the station.

Cornell told T&M that he had heard that Anderson was “doxed.” Cornell told T&M that he thinks Anderson’s address, as well as some other pertinent information, was put on social media. Cornell did not remember if he actually saw the postings. Cornell told T&M that the APD has a unit that can investigate cyberstalking, but he cannot remember if there was an investigation into the source of the “doxing.” Additionally, Cornell was not aware if there was an investigation into “doxing” or cyberstalking for any other members of the APD.

Cornell told T&M that after the first incident the protesters started to camp out in front of the station. Cornell told T&M he does not think there was 24/7-hour surveillance in front of the station during the encampment, although he thought there was some monitoring for the encampment. Cornell told T&M that he does not remember Hawkins’s or the mayor’s positions regarding the encampment.

Cornell did not personally walk through the encampment, and anything he observed came from video review. Cornell told T&M that the number of the protesters fluctuated but he didn’t know if the APD was monitoring the head count. Cornell was aware that the encampment did grow over the course of six days.

Cornell told T&M that on April 22, 2021, he learned the encampment was going to be taken down. He thinks it was probably in the morning. He told T&M that Jones developed an Operational Order and reviewed it with him. During this meeting Cornell told T&M that Jones told him that officers could cover their name tags, he does not remember anything about badges. Cornell said he wasn’t in the garage for most of Jones’s briefing to the APD regarding the takedown. He told T&M that McDade was the incident commander for the operation.

Cornell told T&M that the plan was for Jones to make an announcement that APD was taking down the encampment, allow a certain amount of time for the individuals to pack up and

---

<sup>29</sup> This unit works out of the Crime Analysis Center. The Center is a multi-jurisdictional task force that among other responsibilities gathers intelligence for the Capital Region.

leave, then go in and move the group. Afterwards, DGS would remove the property left behind in the encampment. Cornell told T&M that his role was to oversee the arrest teams if any of the protesters were arrested. Cornell said that some of the protesters started to fortify the site. He said some individuals were cooperative and others were not. Those were the individuals who were arrested.

T&M asked Cornell how many individuals were arrested, but he wasn't sure since he believed some may have been arrested for other incidents. He was not sure what they were arrested for but knew that some were for riot arrests. He told T&M that he was aware that not all individuals arrested would have to be booked and arraigned. He told T&M that based on the individual's record and charges they could receive a Desk Appearance Ticket ("DAT").<sup>30</sup> T&M asked Cornell if a family member wanted to know the status of an arrestee was there a procedure in place to provide that information and he said they were directed to the county jail. T&M asked Cornell if he specifically remembered a mother asking him how to find her daughter who was arrested. He said he didn't recall but T&M pointed out that on his BWC about five hours after the takedown near the station he was observed having that conversation with a mother and he directed the mother to the county jail. T&M pointed out that his BWC does not show him calling anyone or looking at his phone or documents to ascertain the whereabouts of the arrestee. He agreed he didn't inquire with anyone before he provided that information. Cornell agreed his role was to oversee the arrest processing for the takedown.<sup>31</sup>

Cornell told T&M he did not observe any member of the APD wearing masks with the "Blue Lives Matter" logo. He told T&M that if he did, he didn't think there was anything wrong about that. He told T&M that he did not see any officers wearing black and gold masks.

Cornell told T&M that the full OPS report was distributed to him, but he only read the portions that pertained to him.

Cornell conferred with Albany County District Attorney David Soares ("Soares") about appropriate charges for those who used a megaphone or high beam light to distract officers. He told T&M that Soares was supportive of the idea but in the end no protesters were charged.

#### **4. Complainant #1**

Complainant #1 ("Complainant #1") was interviewed via Zoom on May 31, 2023. Complainant #1 told T&M that she is on leave from her position as the Assistant Director at the Center for Law

---

<sup>30</sup> If an individual receives a DAT, they are released from the police station and provided with a date to appear in court.

<sup>31</sup> T&M confirmed that the mother was complainant # 3, and that her daughter, witness 1, was arrested for Disorderly Conduct and received a DAT at the police station.

and Justice.<sup>32</sup> Complainant #1 was present at the protest march on April 14, 2021. Complainant #1 said that the march ended at the APD South Station. She said that at the end of the march there were about twenty (20) protesters remaining. The protesters were met by APD officers standing on the entrance ramp to the station.

Complainant #1 told T&M that some of the protesters were writing with chalk on the ground in front of the station, others were on the opposite side of the ramp yelling racial remarks to the Black officers. Complainant #1 said that some of the protesters were calling them “coons.” Complainant #1 said things did not get contentious until the officers told the protesters to leave. Complainant #1 told T&M that some officers had taken off their badges which could be used to identify them. Complainant #1 saw a young woman using a megaphone. Complainant #1 said that an officer hit the woman in the face with the megaphone. Complainant #1 said a person that she did not know threw a rock and broke a window at the station. The officers pepper sprayed the protesters and they dispersed.

Complainant #1 said members of Black Lives Matter Saratoga were upset and they went back to the station. They sat outside of the station with folding chairs and made a fire in a metal bin to keep warm. Complainant #1 told T&M that the number of protesters outside the station grew. People from the community donated food and tents. Complainant #1 said that Person #1 was acting as a liaison between the protesters and Hawkins. Complainant #1 said the City Mission (“Mission”) was near the encampment and the Reverend who oversaw the Mission was not happy about the encampment. He complained that the encampment was blocking access to the Mission, which Complainant #1 said was not true. Complainant #1 told T&M that APD put fences around the station. Complainant #1 said that she heard both Hawkins and Sheehan on television say that the protesters could stay.

. Complainant #1 told T&M that she got a call on April 22, 2021, that APD stormed the encampment. Complainant #1 told T&M that she got there around 3:30 - 4:00 p.m. and saw that APD officers were not wearing name tags or badges. Complainant #1 said officers were using their batons and hitting both protesters and tents. Complainant #1 told T&M that APD officers had face masks which said “Blue Lives Matter “and had blue lines on their protective shields. She said she saw a Proud Boy mask. Complainant #1 said Hawkins was in contact with Person #1 and could have arranged for a peaceful removal of the encampment.

---

<sup>32</sup> According to its website, the mission of the Center for Law and Justice is “to reform the criminal justice system and dismantle its oppressive elements.” See <https://cflj.org>.

---

## **5. Complainant #2**

T&M interviewed Complainant #2 (“Complainant #2”) via Zoom on June 5, 2023. Complainant #2 said she was born and raised in Queens, New York. She worked in advertising in the past at Facebook and NBC. Complainant #2 told T&M that she moved to Saratoga, New York during Covid. She became active in the Black Lives Matter movement after the Darryl Mount Jr. case.<sup>33</sup> Complainant #2 said she worked with Person #2 (“Person #2”)<sup>34</sup> to assist with media and press releases. Complainant #2 told T&M she released information about Anderson’s prior lawsuits on Twitter. She said she only released public information and did not post his address or make any threats. Complainant #2 said that there were allegations that Anderson abused Black men and did improper strip searches.

Complainant #2 said that she was at the encampment on April 22, 2021, and witnessed the APD in riot gear. Complainant #2 said that most of the officers had their name tags and badges covered or removed. Complainant #2 told T&M that the officers were wearing facial masks that said, “Blue Lives Matter” and had blue lines on their shields. Complainant #2 told T&M that she saw officers with the “Punisher logo” on their masks. She said that this was the logo of a white supremacist group.

## **6. Complainant #3**

T&M interviewed Complainant #3 (“Complainant #3”) via Zoom on July 1, 2023. Complainant #3 told T&M she and her husband are teachers and live in Clifton Park, New York. Complainant #3 lives with her husband and two children, daughter Witness #1 (“Witness #1”) and her son. Complainant #3 said that her daughter Witness #1 and her son were members of Black Lives Matter Saratoga. She said her son was away at college and her daughter was at South Station on April 14, 2021, and was at the encampment from the beginning until April 22, 2021. Complainant #3 said that her daughter stayed at the encampment throughout the sit-in. Complainant #3 said that she and her husband would go there after work and bring food or other items. Complainant #3 said that while it was uncomfortable being across from a police station, the general atmosphere was relaxed. The protesters would play music, and community members donated food and clothing. She told T&M that the Mission was across the street. She said it was a Christian organization and the Reverend refused to help homeless people who were not

---

<sup>33</sup> On August 31, 2013, Mount was pursued by the Saratoga police and found in an alley with multiple injuries that left him disabled. Mount died from his injuries in 2014. The officers said Mount died from falling from a scaffold, while his family said he was beaten by the police. The officers were cleared of misconduct by a civil jury on October 17, 2023.

<sup>34</sup> Complainant #2 said she was one of the founders of Black Lives Matter Saratoga.



Christian and refused to help LGBTQ+ individuals. Complainant #3 said the protestors gave them leftover food and clothing.

Complainant #3 said that she was at the encampment on April 20, 2021, because it was her daughter and Complainant #4's birthdays. She said it was also the same day that Derek Chauvin was convicted for the murder of George Floyd in Minneapolis, Minnesota. Complainant #3 said those at the encampment were pleased that justice was served. Complainant #3 said while some of the protesters wanted Anderson fired, she knew that her daughter felt that was unrealistic. Complainant #3 said that Witness #1 was looking for some dialogue with APD to discuss what happened at South Station on April 14, 2021.

Complainant #3 told T&M that she got a call from her daughter on April 22, 2021. She said that Witness #1 said "Mom they are coming to arrest us, they are in riot gear." Complainant #3 told T&M she learned that the APD came and said that the protestors had fifteen (15) minutes to pack up their belongings or be arrested. Complainant #3 said she drove to the encampment as quickly as she could. Complainant #3 said that when she got to the encampment, she was told by another protester that her daughter was arrested and dragged away by her legs. Complainant #3 told T&M that she was trying to find out where her daughter was being held. She said that she asked multiple officers to help her find her daughter, but no one would help. Complainant #3 said that none of the officers were wearing name tags or badges. Complainant #3 told T&M that she was able to get a number for Central Booking, but no one was answering the phone. That evening she approached an officer<sup>35</sup> and asked for help finding her daughter. The officer told her to go to the jail because that was where all the arrestees would be released from. Complainant #3 went to the jail only to learn later that her daughter Witness #1 was released from South Station with a DAT. Complainant #3 told T&M that she thought the officers were being purposely difficult.

Complainant #3 told T&M that when her daughter was arrested the APD officers lost her cell phone. Complainant #3 said the officer kept telling her daughter that the phone was kept for safekeeping but when they came to the station the next day to pick it up, it could not be found. Complainant #3 said that all her daughter's personal belongings were at the encampment when she was arrested. She told T&M that DGS told them they could come to a warehouse to retrieve her belongings, but when they got there it was just a big pile of garbage.

---

<sup>35</sup> T&M reviewed then Sergeant Christopher Cornell's body-worn camera footage for April 22 and 23, 2021. At approximately 0023 hours (12:23 a.m.) he was approached by a female (later determined to be Complainant #3) who tells him that her daughter was arrested and asks if he knows where she is. Cornell tells her she is going to Albany County jail and will be arraigned and that she will not be released from South Station. He tells her that the arrestee is not hurt, is being watched by two female officers and will be transported in an hour or so. He directs her to wait outside of Albany County jail. Cornell never asked her for her name, or the arrestee's name, nor does he inquire with anyone else about the arrestee's status.



---

Complainant #3 told T&M that after she filed her CPRB complaint she received a call from an APD detective. She said that she told him about the issue with Witness #1's phone and he became "extremely abusive," saying something like "if Witness #1 wasn't resisting arrest maybe she would still have her phone."<sup>36</sup> Complainant #3 told T&M that she thinks that the actions of APD keep citizens from filing complaints.

## **7. Witness #1**

("Witness #1") was interviewed by T&M via Zoom on June 16, 2023. Witness #1 told T&M she graduated from college and has been working as a substitute teacher at the same school where her parents are teachers. Witness #1 was living in Clifton Park, New York, at this time. Witness #1 is a founding member of Black Lives Matter Saratoga. Witness #1 is familiar with Complainant #4 and Person #2 from Black Lives Matter Saratoga.

Witness #1 told T&M that she was at the protest march on April 14, 2021. Sangare told T&M that Black Lives Matter Saratoga did not sponsor this march, but they joined in support. She said the march started at Townsend Park and ended at South Station. She said she joined somewhere in the middle of the route. Witness #1 said that when the group got to South Station it was like a big party. People were playing music and lighting up joints. Witness #1 said marijuana had just become legal in New York. Witness #1 told T&M that they were minding their own business when APD officers came out and stood in front of the station. Witness #1 said this escalated the situation.

Witness #1 said the officers went back inside and a male who was not known to any of the protestors started kicking the door to the station. Witness #1 said that there was a ramp in front of the station with a railing. She said some protesters were on the ramp in front of the railing and others were standing on the concrete behind the railing. She told T&M she was on the railing and Complainant #4 was behind the railing chanting on the megaphone. Witness #1 said that the officers came back out and Anderson grabbed the megaphone from Complainant #4 and pushed it into her face busting her lip and chipping her tooth. Witness #1 told T&M she didn't see what happened between Complainant #4 and Anderson, but that she saw Complainant #4 later that night and observed that Complainant #4 had a laceration on her lip and a chipped tooth. Witness #1 told T&M she saw an officer remove his name tag and other officers had their name tags and badges either covered or removed. She told T&M that the officers started spraying the protesters with OC Spray. She added they were not warned before the officers began to spray the group.

---

<sup>36</sup> The OPS report has similar language, where Witness #1's actions are blamed for the loss of her phone, not the failure of APD to retrieve and secure it.

Witness #1 said after the incident at South Station the protesters got together and decided they were going to sit in front of the station until some of their demands were met. She said that she thought some of the demands were unrealistic but one she remembered was that the protesters wanted to know about Anderson's prior disciplinary history. She said that on their own they learned Anderson had some serious complaints against him. Witness #1 thinks some members posted about his lawsuits, but no one posted his address or made online threats to him or his family.

Witness #1 said she knows Person #1. Witness #1 said that Person #1 took it upon herself to function as a liaison between the protestors and Hawkins. She said Person #1 rented an Airbnb which the protestors used to shower or go to the bathroom. Witness #1 told T&M that in the morning of April 22, 2021, Person #1 told the protesters that Hawkins was going to send his officers to take down the encampment. Witness #1 said she went to the Department of Motor Vehicles ("DMV") to see if there were any extra officers. She told T&M that she thought if the takedown was happening there would be extra officers in that location. When she didn't see any activity, she called Person #2 to tell him she didn't think it was happening.

Witness #1 said that on April 22, 2021, there were about thirteen (13) protestors at the location. She added that there were no leaders at the site, nor did they have a plan in place if APD decided to take down the encampment. She told T&M some people, upon learning that APD may take down the camp, started doing some "stupid stuff" like moving the dumpsters.

Witness #1 told T&M that an APD officer approached the encampment with a megaphone and said, "you have fifteen (15) minutes to gather your stuff and leave or you will be arrested." She said that the person never spoke with anyone individually in the group nor did he offer an alternate place to move their belongings. Witness #1 said it was unrealistic to take down the tents and move everything within 15 minutes, so she got a gas mask from her tent and waited to be arrested. She told T&M that within a couple of minutes APD officers in riot gear appeared at the camp. She had her phone and started livestreaming on Instagram.<sup>37</sup> She told T&M she was standing peacefully and was shoved down to the ground. She said the officers dragged her by her legs about ten (10) feet. She told T&M she was screaming "don't hurt me."

Witness #1 said she was arrested for Disorderly Conduct. She was brought into a room to be processed but added she was not fingerprinted. She said after about four (4) or five (5) hours she was released with a DAT. While in custody she kept asking for her phone and APD provided her with inconsistent answers. She told T&M she was told she could get it later, then told a homeless person probably has it. She told T&M it fell out of her hands while she was live

---

<sup>37</sup> The Instagram livestream shows officers approaching Witness #1 in a line wearing riot gear, a person purported to be Witness #1 is yelling into a megaphone "I will not move." The officers form a line and yell "move," "move." Then the person purported to be Witness #1 is pushed to the ground, and it sounds as though she is being hit and she screams "do not hurt me."

streaming and she never got it back. Witness #1 said she had personal property in her tent, including her wallet with her identification and five hundred (500) dollars. She said she received an email that DGS had her property but when she went there to get it, all that was there was a pile of trash.

Witness #1 added that the takedown was very disorganized, “kind of a free for all.” She said she cannot identify who knocked her to the ground because the officers’ badges and/or name tags were covered.

#### **8. Complainant #4**

Complainant #4 (“Complainant #4”) was interviewed by T&M via Zoom on July 5, 2023. Complainant #4 told T&M that in April 2021 she lived in Ballston Spa, New York. Complainant #4 said she is affiliated with Black Lives Matter Saratoga.

Complainant #4 said that on April 14, 2021, she joined a protest march that started at Townsend Park and ended at South Station. Complainant #4 told T&M that Anderson was waiting for them outside the station. She said he was joined by fifteen (15) uniformed officers. She said the cops went back inside.

Complainant #4 said that the protestors were listening to music and smoking cannabis. Some of the protesters were leaning against the ramp outside the station. Complainant #4 told T&M the cops came back out and were laughing at the protesters. She thought they were doing this to make the protesters uncomfortable. Complainant #4 said that the officers went back into the station and locked the doors. Complainant #4 told T&M a person who was not part of the group jumped over the ramp and slammed into the door. She said this person may have been a plant. Complainant #4 told T&M that the cops started spraying everyone, she thinks Witness #2 may have been sprayed. She told T&M that one of the protestors had a camera with a bright light. She thought his name was Brandon or Bambino. Complainant #4 said that she was saying things to APD Officer Marcus Felten because as a Black officer she takes issue with his actions. She told T&M she was using a megaphone, and that it was pointed at the officers. She said she was yelling “people over property.” She said Anderson grabbed the megaphone and pushed it into her face, causing her to fall backward off the ramp. Complainant #4 said that she received a busted lip and she needed to have her teeth shaved.<sup>38</sup>

---

<sup>38</sup> Complainant #4 provided dental and medical records which indicated that she had injury to her mouth and teeth. She went to see a doctor on April 16, 2021, and a dentist on April 22, 2021. The doctor’s notes indicated she presented a complaint of a facial injury two days prior caused by a megaphone pushed into her face. She developed epistaxis (nosebleed), a chipped tooth, and pain to mouth. The doctor made no acute findings and advised her that it might be temporary. The primary impression was facial contusion. The doctor advised her to use ice, Tylenol, or Ibuprofen. Dentist’s notes talk of tooth sensitivity. The initial exam includes “smoothed edge #10.” In her interview, Complainant #4 mentioned her front teeth were “shaved.” The records show her continuing to experience pain until September 16, 2022.

Complainant #4 told T&M that she was part of the group that participated in the sit-in at the encampment. She said after the attack by Anderson everyone was very angry and wanted him to face some repercussions for his actions. She told T&M that the encampment grew over time, with the community providing food and clothes.

Complainant #4 told T&M that she was not at the encampment on April 22, 2021, because she was at the dentist dealing with issues involving her mouth and teeth caused by Anderson. She said that Person #1 got word that they were taking down the encampment. She got there about ten (10) minutes after and observed the cops taking tents and throwing them into the fire. She said when the cops got to her tent they were laughing because they knew it was hers. Complainant #4 told T&M they grabbed the heaters and threw them into the trash. She said her brother was wrongfully arrested. Complainant #4 told T&M the whole experience from being attacked at South Station to the takedown and arrest of her brother was very traumatizing. She said for six (6) months she found it hard to leave the house.

#### **9. Witness #2**

Witness #2 was interviewed by T&M on June 16, 2023, via Zoom.<sup>39</sup> Witness #2 (“Witness #2”) said that in April 2021, he was part of a group called “All of Us.” He said that group split up, some are now part of Black Lives Matter Saratoga and others are part of his group Black Abolitionist Directive. He said that he now lives in Albany, New York, but in 2021 he lived in Schenectady, New York. He told T&M that he is a transgender man and uses he/him pronouns.

Witness #2 told T&M that there was a march on April 14, 2021, in Albany. He said his group was not the organizer but joined in solidarity to protest the killing of Daunte Wright in police custody. The march ended at South Station and as they were getting ready to go home, five (5) to six (6) police officers and one (1) “white shirt” came out and started to antagonize the crowd. Witness #2 said he can’t remember verbatim what they were saying, but it was something like “back up and move along.” Witness #2 told T&M that what the officers were saying wasn’t necessary because they were already leaving. He told T&M that some protesters were on the wheelchair ramp leading to South Station on Arch Street. Some were on the ramp in front of the railing and others were on the ledge behind the railing. They were making speeches and wrapping things up, but the officers were very aggressive, ordering them to go home. The officers went back inside the building.

Witness #2 told T&M while the officers were inside the building, a person in black who was unfamiliar and not a member of the group started kicking the door and window and broke the window. The officers came back outside, this time with bear spray and batons. Witness #2 stated that Complainant #4 was on the megaphone yelling “people over property,” meaning they

---

<sup>39</sup> Witness #2 did not turn his camera on for the interview.

didn't need to be so aggressive. He said a "white shirt," who he later learned was Anderson, pushed the megaphone towards Complainant #4's face and pushed her backward off the ramp. He said after that "all hell broke loose." The cops started hitting the protesters and spraying them with bear spray. He said Felten punched him in the face, and he was sprayed with mace two times by another officer. Witness #2 told T&M that he was not doing anything wrong when he was punched and sprayed, but after viewing multiple officers' BWCs from April 14, 2021, at South Station, a person believed to be Witness #2 is seen refusing to leave the ramp and heard telling the officers to make him leave. Witness #2 told T&M that the first time the officers were outside the station they had name tags, but when they came out the second time, they removed them. Witness #2 said his partner was sprayed, and that they have epilepsy and asthma, and he was afraid they might have a seizure.

Witness #2 said he left to shower and removed the spray. He said a bunch of people got together about an hour later to discuss the next steps. He said someone had the idea of occupying the space and everyone agreed. They brought out chairs and someone brought a fire pit, and they stayed the night. Witness #2 told T&M that over time, the community donated food and clothes.

Witness #2 told T&M that neither Anderson nor his family were ever threatened on social media. He said that some group members posted Anderson's disciplinary history but that was it.

Witness #2 told T&M that Person #1 functioned as a liaison between the protestors and Hawkins. Witness #2 said that Person #1 told them Hawkins was not going to do anything as long as it remains peaceful. They did not have any contact with the APD, he said the Fire Department came once to check the height of the fire and told them: "As long as it doesn't get higher than five (5) feet you are okay."

Witness #2 told T&M that he was at the encampment on April 22, 2021. He was doing an interview with a news outlet, and he was asked if the police were coming to break down the encampment. He told T&M he said something along the lines of, "If Kathy does that, she will have a big lawsuit," referring to the Mayor Kathy Sheehan.

Witness #2 said soon after an APD officer in a white shirt with a megaphone told the group that they had fifteen (15) minutes to take down the encampment or be arrested. Witness #2 told T&M it was difficult to hear what the officer was saying, and it was impossible to vacate in fifteen (15) minutes, since there were a lot of tents and property and only a few protestors at the site. Witness #2 told T&M they all said to each other, "Okay we are getting arrested."

Witness #2 said that after a few minutes, APD officers came to the site and started tearing things apart. He said he stood at the edge, put his hands in the air, and said, "I am not armed, please do not gas me." He said the officers pulled him down to the ground, removed his glasses and brought him into the bay area where they had brought the others who were arrested.

Witness #2 said that he told the male APD officer that he has asthma and was having difficulty breathing. He said he told them he was a trans man and was wearing a binder, which was making his breathing worse. He told APD he wanted a female officer to search him, not a male officer. He said that after some time a female APD officer came, lifted his shirt, and cut off the binder in front of everyone. He asked if he could do it himself, but he was told no.

Witness #2 said he was taken to the hospital by ambulance but after waiting in the ER he was able to get his breathing under control and told the officers he didn't want to wait anymore. Witness #2 was taken to Schenectady because he had an open arrest warrant for writing in chalk on a police station. He said both cases were Adjournments in Contemplation of Dismissal. Witness #2 told T&M he never got his glasses or personal belongings back.

Witness #2 told T&M that after the April 14, 2021, incident, he and approximately fifty (50) others wrote out complaints about what happened. He does not remember where the forms came from. He said that he and others tried to drop the complaints off at the station but were told they were banned from coming in.

Witness #2 said that they gave the complaints to an ally to bring them into the station. Witness #2 told T&M he doesn't remember the name of the person who brought them inside. On April 23, 2021, the group wrote new complaints and followed the same process. He said he was never contacted by APD or the CPRB.<sup>40</sup>

Witness #2 told T&M that on April 22, 2021, the APD officers had covered both their names and badge numbers. He said when they would ask the officer what their name was, they did not answer. Witness #2 told T&M that the APD officers were wearing face masks that said "Blue Lives Matter" or had "Proud Boys" emblems on them. He told T&M that when he was in police custody, the officers kept "misgendering him and using his dead name."<sup>41</sup>

## **10. Witness #3**

Witness #3 ("Witness #3") with T&M on October 14, 2023, via telephone. Witness #3 told T&M that when he went to a protest he would function as security. Witness #3 said he was at the protest on April 14, 2021, and that the protesters were shot with rubber bullets<sup>42</sup> and sprayed with bear mace. Witness #3 told T&M that he was at the encampment after the incident on April 14. He said he brought his own tent and chairs. He said he was at the encampment takedown on April 22, 2021, and provided T&M with some photos and YouTube videos. Witness #3 told T&M that the police came out of nowhere and were wearing SWAT gear. Witness #3 said the officers

---

<sup>40</sup> T&M could not corroborate if these complaints were ever received by APD, as they told T&M they had no record of these complaints.

<sup>41</sup> A "dead name" is a former name (often assigned at birth) of a transgender, non-binary, or gender non-conforming individual who has changed their name to align with their gender identity. Using an individual's "dead name" when their current name is known is a form of misgendering.

<sup>42</sup> T&M was unable to corroborate this claim made by Witness #3.

pushed the protesters. He said after the takedown he went to get his stuff from DGS, and it was all rotted food. There were no tents or personal property at the warehouse. He told T&M he thinks his phone was hacked and his Facebook account was taken down. He doesn't know who did that but thinks it has to do with him being involved with the protests.

**Lieutenants Anderson and Jones failed to comply with lawful subpoenas and did not appear for scheduled interviews with T&M on behalf of the CPRB.<sup>43</sup> Therefore, the sections of this report regarding Anderson and Jones are based on the statements provided to OPS for their report and T&M's review of BWCs, station cameras and social media video.**

#### **11. Lieutenant Devin Anderson (OPS Interview)**

Anderson was interviewed on July 1, 2021, by OPS regarding the incident at South Station on April 14, 2021. Anderson told OPS that on that date, he was the patrol lieutenant in charge of Division Two (2). Anderson stated that APD officers and he were outside, in front of South Station, when the protesters arrived. He indicated in hindsight that he would not take that approach again. He stated that there were multiple people with megaphones and bright lights that were shining in everybody's faces. Anderson claimed they were trying to "bait" the officers and were using racial slurs. Anderson then decided they should go back in the building and then used handcuffs to secure and lock the interior door.

At that point, Anderson stated that the protesters were in the foyer, blowing cannabis smoke in the lobby, and screaming and yelling on megaphones. Anderson said that they also kicked and rattled the doors. The officers were able to secure the exterior door and then secured and locked it. Anderson said that the crowd grew hostile, kicking the door, trying to force their way in and a window was broken.

Anderson then stated that intelligence from Cornell and an FBI informant was that there could be Molotov cocktails used to set the building on fire and one (1) of the individuals outside could be armed.<sup>44</sup>

Anderson stated that protesters were standing on the wheelchair ramp in front of the station, some were directly on the ramp and some behind the railing. Anderson said that he decided to clear the ramp. He stated he told the officers they would go out but to not wear helmets, nor riot gear. He stated he didn't want to instigate them.

---

<sup>43</sup> The CPRB is in the process of litigating the refusal of multiple police officers and a sergeant to appear in response to subpoenas ad testificandum lawfully issued and served by the CPRB with the APD and APBA and APSA on another investigation.

<sup>44</sup> Cornell told T&M he doesn't remember receiving and/or relaying any information that someone was planning on firebombing South Station.



Anderson told OPS the APD pushed and cleared the ramp. Anderson said one large gentleman refused to move. He also stated that people were throwing rocks and bottles and swatting at officers. He stated it was a very violent encounter. It only lasted a couple of minutes, but they successfully pushed everyone back. After a couple of minutes, things calmed down, and ten (10) to fifteen (15) minutes later the officers were back in the building.

Anderson was asked about his use of force, and he said: “I didn’t use any force.” He said he successfully grabbed a megaphone used to distract the officers. He claimed that the only force he saw was pushing people and Sgt. D<sup>45</sup> used the “Fogger.”<sup>46</sup> When asked if the “Fogger” use was successful he stated that the protesters were prepared for it with goggles and masks.

Anderson claimed he thought the protesters’ intentions were to elicit a response from APD. Anderson said he thought that they didn’t get the response at first and they escalated and “forced our hand.” Anderson stated: “We had to clear them off the ramp for officer safety and building safety issues.” Anderson stated that Officer Felten<sup>47</sup> was subjected to name calling like ni\*\*er, cracker, and Uncle Tom, but he never over-reacted.

Anderson described the lights that were shined in the officers’ faces as blinding, like a highlight in high beam. Anderson further stated that he was looking to de-escalate the situation as much as possible by using minimum force. He stated he was not looking to be on national news. He told OPS the protesters were there to elicit a response and he was not going to have APD give them that response. Anderson stated that after Tony<sup>48</sup> gave them “a couple of spritzes with the Fogger,” he told him to stop.

Anderson also stated that there were six (6) or seven (7) APD officers on the ramp and probably fifty (50) protesters.<sup>49</sup> Anderson added that he sent civilian employees of South Station home.

Regarding use of force, Anderson stated it was the absolute minimum necessary to control the situation. He told OPS it was within APD Standard Operating Procedures.

Anderson was asked about “doxing” and claimed he was told about it but never personally saw anything. He told OPS he didn’t work on April 22, 2021.

## **12. Review of Lt. Devin Anderson’s Body-Worn Camera Footage from April 14, 2021**

---

<sup>45</sup> The investigation indicates that Sgt. D is Sergeant Anthony DiGiuseppe, who was on the scene at South Station on April 14, 2021.

<sup>46</sup> The term “fogger” refers to a canister of pepper spray that creates a pepper ‘fog’ when discharged.

<sup>47</sup> The investigation indicates that Officer Felten is Marcus Felten, an African-American APD Officer, who was on the scene at South Station on April 14, 2021.

<sup>48</sup> The investigation indicates that this is a reference to Sergeant Anthony DiGiuseppe.

<sup>49</sup> T&M viewed Anderson’s BWC footage and it appears that there were approximately eight (8) protesters on both sides of the ramp.



---

Throughout the encounter, body-worn camera footage shows that Anderson was advising the APD officers to show restraint and to try not to escalate the situation. However, once a window was broken and officers had forcibly cleared the ramp, he directed the officers to use a significant amount of OC Spray, and he injured a woman using a megaphone.

On the BWC, Anderson is observed grabbing a megaphone from a woman later learned to be Complainant #4, pushing it into her face and pushing her backwards. It appears from the BWC that Anderson throws the megaphone behind him. No one was arrested at the scene.

Anderson told OPS he was confronted with angry protesters who were loud and active. He took initial steps to de-escalate the situation such as removing APD officers from the ramp and placing handcuffs to securely lock the interior front door. He said to the other officers “We should not have been out there. Let them scream and yell.”

As the incident progressed, he would add potential actions to be taken. “If they keep that up, we’re clearing the steps. They are not breaking in. That’s fine.” “Everyone just wants to hold it down. It’s painful to walk away but...”

When a window was broken, he decided to act. “We’re taking it outside. I can’t deal with that.” He told the officers to use “Foggers – don’t use shields, not yet. Have shields ready. If we need to get it, we can come back and get it.” His words would contradict his actions and vice versa.

Despite putting his officers on the ramp with OC Spray and directing them to clear the ramp, he is heard saying “We’re not going to escalate this.” Later, inside the station, when giving a recap, he stated: “I think we’re good now. We pepper-sprayed the shit out of them.”

### **13. Lieutenant Josiah Jones (OPS Interview)**

Jones was interviewed by OPS on May 11, 2021, regarding the takedown of the encampment on April 22, 2021. Jones told OPS that he believed Deputy Chief Hogan was the incident commander. He said that Commanders McDade and Gipson were there too. Jones told OPS he was the operational level commander below McDade. He said he was tasked to put together a quick verbal Operational Order and design for logistics and execution of the tasks that day. He told OPS he was not sure if there was a written Operational Order.

Jones told OPS he held a briefing in the detective garage. He gave directives regarding the logistics of the operation, reminding the officers to operate on a secure channel, to activate their BWCs before they left the garage and overall directions on how to execute the operation. Jones told OPS he informed the officers that they could remove their name tags, not their badges. He then opined to OPS on how his direction could have been misconstrued, stating “I did not say ‘you can remove your name tags but not your badges,’ and some officers’ vests have a Velcro patch where the name tag and badge are combined. This may have been confusing to the officers since this was the first time we did something like this on a formal level.”

He told OPS his plan was to attempt to contact an organizer or group leader. He said that he had spoken with one of the organizers and a friendly woman a week earlier when they had redesigned the street barricades and was hoping for a similar receptive response. He went out to try and develop a quick dialogue, but it was not received well. Since he was unable to speak with any of the protesters, he got into the bullhorn and told them they had fifteen (15) minutes to disperse because this was being declared an unlawful assembly. Jones told OPS that the protesters got on a bullhorn and started yelling insults. He said the protesters' response was to barricade themselves with dumpsters, start open fires in the street, and arm themselves with rocks being stuffed into their vests. He told OPS that he was receiving information from Detective Sergeant Zimmer who was monitoring the encampment. Jones told OPS he called a "fraggo" (a fragmented order, adjusting on the fly to unforeseen circumstances) with the acquiescence of McDade, and maybe Hogan and/or Hawkins.

Jones told OPS that he had heard Anderson was "doxed," but he did not have any direct knowledge of it. Jones cannot remember if he saw a written Operations Order but had on his phone what he read to the officers in the garage. He then read to OPS what was on his phone. Jones described the back-up plan if the protesters failed to disperse which accounted for three (3) teams of officers, a primary force with the arrest team behind and a tactical team behind them if the protesters started throwing rocks or other violent actions. Jones told OPS once the protesters were moved from the location, DGS was to come to the location to clear debris, sanitize, and erect barriers.

OPS Commander Battuello asked Jones, "if McDade was present shouldn't he have participated in some? (sic)." Battuello then told Jones, "If I was present in that room and heard your briefing of what the expectations were of me to participate in the action especially that I am not allowed to cover my badge but I am allowed to take off my name tag if I choose, do you still think that it is a possibility to misconstrue the two? Do you think it was a miscommunication?" Jones told Battuello, "100%, I don't feel it was malicious at all or people were intentionally overstepping, I think that this is the first time we've done this and the way the badges are set up on the uniform it is one continuous patch, so it is confusing."

#### **14. Review of Jones's actions on April 22, 2021, at the South Station encampment**

Jones was not equipped with a body-worn camera although he was required to have one. Jones was assigned Police Officer Michael Adams ("Adams") to assist him that day, and Adams does have a BWC. It is noted that although Adams was Jones's assistant that day, Adams, and Jones are not with each other the entire time, and some conversations or orders Jones gave are either not recorded or are inaudible. Had Jones worn his own BWC, these would be available for review.

At about 1514 hours (3:14 p.m.), Jones leaves the garage, which is on the side of the station house on Clinton Street and walks out with Adams and a Sergeant to the protest area which is on Arch Street. There is a group of about twenty (20) people on the other side of the barriers in the protest area, and they appear to be vocal and agitated. Jones asked the group who is in charge of the group and asked to speak to them. Several members of the group begin screaming at Jones that “they are all in charge.” There are also numerous people yelling and cursing at the officers. Jones then tells them that they will have to disperse, and that they have fifteen (15) minutes to do so. A member of the group who came the closest to Jones (approximately twenty (20) feet away) responds to Jones, “have fun, enjoy yourself,” before turning and returning to the group of protesters. After this encounter, Jones returns to the garage area. No individual during this time ever approaches Jones and claims to represent the group or engages Jones in conversation. No officer from APD is observed walking on the other side of the barriers to where the protesters are.

At about 1522 hours (3:22 p.m.), Jones and several officers leave the garage area behind the station house and begin walking towards the barriers which are in front of the station. People in the crowd can be heard yelling, “here they come.” Jones then gives several orders to disperse, and he gives the unlawful assembly regulations. He is using a bullhorn to make these announcements. From the protesters, loud chants of “ACAB all cops are bastards” can be heard.

It takes approximately three (3) minutes for officers to get through the barriers. Some of the metal barriers have been locked together (presumably by the APD<sup>50</sup>). In addition, there appears to be some ropes and tarps that are also holding the barriers together. It is unclear who added the ropes and tarps, although some of the ropes seem to be attached to tents, and that protesters had erected these in the protest area. It can be presumed that these ropes and tarps were added to the barriers by the protesters.

A few minutes later Adams’s BWC catches some of the dumpsters that had been in the area being moved around in the street. Also, smoke from a street fire can be observed on the street. At this point, no officers are viewed wearing helmets, or carrying any disorder control equipment, such as polymer shields.

Then the officers formed a line at Jones’s direction and began walking forward. Adams is behind this line, so the view going forward from his BWC is unclear. There are several other fires also lit and smoke can be seen in the street.

Adams’ video does not capture any instances of misconduct nor any instances of excessive force. Jones is heard giving the unlawful assembly instructions to disperse several times while using a bullhorn. After the street is cleared of protesters, the officers retain their position behind the barriers at the corner of Grand Street. Several people can be heard inquiring why

---

<sup>50</sup> A review of the APD officers BWCs showed the barriers were from the APD and they were attached with white plastic cuffs.

officers don't have name tags on, and several protesters are heard cursing and insulting the officers.

At about 1620 hours (4:20 p.m.), Jones is observed speaking with an unidentified commander (no name tag but appears to be Gipson). The commander notices that Adams, who is close by, has his BWC activated, and directs him to shut it off. Adams mutes the audio, but the video continues recording. No conversations are heard for thirty-four (34) minutes until Adams reactivates the sound. There does not appear to be any physical incident video recorded that would require an activation of the BWC, but any conversation by supervisor officers regarding tactics, arrest intentions, and APD policing plans regarding the protest are not captured during this period.

While Adams is walking towards the front of the South Street Station, some of the removal equipment is visible. DGS had an open-top dump truck, as well as a regular garbage truck for removal of items. A trash-removing claw was observed attached to a tractor, although it was not in use at the time.



Figure 11. A photograph of DGS removal equipment outside of South Station on April 22, 2021.<sup>51</sup>

## **VII. CONCLUSION**

Based on interviews conducted and materials examined during the investigation, T&M found that the allegations that APD officers removed their name tags and/or badges on April 14, 2021, is unsubstantiated. While a few of the witnesses told us that when the officers came out a second time, some removed their name tags and/or badges, T&M was unable to corroborate if

<sup>51</sup> Fig. 11 image source: Patrick Dodson, *Albany Police Storm South Station Protest, Dismantle Activist Camp*, Albany Proper (Apr. 23, 2021), <https://www.albanyproper.com/albany-police-storm-south-station-protest-camp>. T&M found no evidence that any emergency medical equipment or personnel were on scene to treat anyone who may have been injured during the department's takedown operation.

the name tags were removed but could corroborate that some officers' names were partially obscured by the placement of their BWCs. They did this by placing the BWC over the part of their uniform which contained their names.

T&M found that Anderson forcibly removed the megaphone from Complainant #4 causing injury to her face and teeth. In his OPS interview, Anderson said the megaphone was distracting to officers without providing any other details as to why it was immediately necessary to forcibly remove the megaphone from Complainant #4 in a manner in which the device was pushed into her face. Moreover, there is no evidence Anderson used any de-escalation tactics before employing physical force against Complainant #4.<sup>52</sup> T&M corroborated that the removal was forceful by the statements of numerous witnesses as well as the review of Anderson's BWC. Complainant #4 provided copies of her medical and dental records which corroborated injuries to her mouth and teeth. The injury to Complainant #4 was also corroborated by numerous witnesses who observed Complainant #4 with a lacerated lip immediately after having her megaphone pushed into her mouth by Anderson. OPS closed its investigation into Complainant #4's force complaint as unfounded. OPS did not explain this finding in its closing report, even though Complainant #4 had provided dental and medical records. They also failed to interview Complainant #4 on her complaint. Since Anderson refused to be interviewed by T&M, T&M is permitted to consider Anderson's lack of participation as a factor when making determinations of credibility, therefore, T&M finds the force used by Anderson towards Complainant #4 was unjustified under Article 35 of the New York State Penal Law and not within APD guidelines on use of force.

T&M found that APD officer(s) used OC Spray on April 14, 2021, and failed to follow APD guidelines. General Order 1.3.00 5. a. authorizes the use of OC Spray when an individual is actively resisting a lawful arrest. The protesters on the ramp were told if they did not move, they could be arrested. However, no one was arrested on April 14, 2021. Accordingly, it does not appear that OC Spray was deployed for arrest purposes. Furthermore, General Order 1.3.00 5. d. provides that OC Spray may not be used during "[c]ivil demonstrations in which the subjects are passively resisting." It is questionable whether the resistance offered by some of the protesters on April 14, 2021, amounted to more than refusal to obey orders to clear the ramp. Notwithstanding, the issue is that once the OC Spray was used, the officers failed to follow guidelines. General Order 1.3.00, 5.c. I. directs that the subject shall be provided with an opportunity to wash the affected area within twenty (20) minutes of application and IV. directs

---

<sup>52</sup> Persons in the City of Albany need to possess a permit to use a sound device (see Albany City Code § 255-29, "Sound-producing devices"). Anderson never told OPS that lack of a permit justified his forcible removal of the megaphone from Complainant #4. Additionally, Anderson never instructed Complainant #4 to stop using the megaphone, surrender the megaphone voluntarily or to move to a location that was less distracting. Notably, enforcement of Code § 255-29 requires that a violator "first be issued a verbal or written warning of violation" and a request that the violator cease the conduct. See Albany City Code § 255-34(A).

that Officers shall summon Emergency Medical Services (“EMS”) and arrange to have the subject transported to a local medical facility for treatment when subjects indicate that they have a pre-existing medical condition that may be aggravated by the OC Spray. Witness #2 told T&M that after he and his partner were sprayed, he was concerned because they both suffered from pre-existing conditions and had difficulty breathing. Witness #2 and others had to leave the area to be treated and were never provided with any medical attention. Additionally, the APD Officers never checked on any of the protesters after dispersing the OC Spray, even though the protesters remained in the area.

T&M found that on April 22, 2021, APD officers removed their name tags and/or badges. Hawkins told T&M that Anderson and another officer were “doxed.” He didn’t remember who told him that but thought it was a Deputy Chief or a Commander. Hawkins stated that because of the alleged “doxing,” he decided that officers could remove their name tags but not their badges. He said this way the officers could be identified if there was an issue afterwards. Hawkins told T&M he relayed this decision to either a Deputy Chief or a Commander, he could not remember who. Hawkins told T&M he did not send a communication to the officers, nor is it included in the Operation Order for the takedown of the encampment. Hawkins told T&M that his order was not conveyed correctly and that resulted in some officers removing their badges. Hawkins did not believe that the officers intentionally did it.

T&M found no evidence that Anderson or any other officers were “doxed.” T&M found no evidence that Anderson or any other officers or their families were threatened on social media. The civilian witnesses that were interviewed by T&M all denied threatening Anderson or his family but admitted to posting public documents regarding prior lawsuits against Anderson. Additionally, Anderson told OPS that he did not see anything online against him or his family, he said he was told about it by others. The APD did not investigate Anderson’s or any other officers’ allegations of “doxing” or threats, nor did the APD refer the allegations to any other law enforcement agency. T&M finds that Hawkins’s decision to allow the officers to remove their name tags was not based on any credible evidence.

T&M corroborated that both name tags and badges were either covered or removed by some APD officers by viewing BWCs, station cameras, witnesses’ photos and videos, and social media. T&M found that multiple civilians asked the officers for their names and/or badge numbers and no officers responded, instead they simply ignored the civilians. OPS reported that the allegations against APD officers failing to provide their names and/or badge number was unfounded. The OPS report referenced that some officers had uniforms that had the name tag and badges together on the same plate and that made it difficult to remove the name tag only. APD General Order No. 3.20 issue date November 28, 2018, addresses Uniforms and Grooming Standards, and states that APD officers shall wear their name tag over the right pocket of the



outermost pocket and their shield shall be worn on the left outermost pocket.<sup>53</sup> A Uniform Committee was established after the takedown of the encampment to address issues of inconsistencies between the orders and actual uniforms, however T&M found that APD officers wear a multitude of different uniforms and to date have not made any significant changes to the APD uniform policy.

T&M found that on April 22, 2021, some of the APD officers involved in taking down the encampment carried polymer shields that were emblazoned with the “Thin Blue Line” insignia, a thin blue line surrounded by two black lines (see figs. 5–10). T&M did not observe APD officers wearing face masks with “Blue Lives Matter,” “Thin Blue Line,” or “Proud Boys” logos but did observe that a couple of officers wore neck gaiters in the colors of the “Proud Boys” or with blue stars and flags (see figs. 8 and 12).



Figure 12. An APD officer is pictured wearing a neck gaiter in the “Proud Boys” colors while arresting a protester on April 22, 2021.

Additionally, T&M found that a “Blue Lives Matter” / “Thin Blue Line” flag was hanging at South Station on April 14, 2021 (see fig. 10). T&M found that, on April 22, 2021, officers were wearing “Blue Lives Matter” / “Thin Blue Line” paraphernalia and had a sticker on an APD-issued vest (see figs. 5–9). T&M made these findings after speaking with multiple witnesses, viewing officers BWCs and reviewing news and social media posts. The OPS failed to address these civilian complaints and the report made no mention of whether the APD observed the masks or shields

<sup>53</sup> See Exhibit 1, APD General Order 3.2.00.



with the “Thin Blue Line” insignia. Hawkins told T&M that it was not endorsed by the APD for officers to wear face masks with “Blue Lives Matter” logos. Gipson and Cornell did not think it was inappropriate for APD officers to wear “Blue Lives Matter” logos on their face masks but acknowledged that it may not be well-received by the public. Hawkins was not aware of the thin blue lines on the polymer shields but told T&M that they should be clear with nothing on them. Hawkins told T&M that a “Blue Lives Matter”/ “Thin Blue Line” flag hanging in the lobby of South Station was inappropriate and against guidelines. The investigation revealed that leaders of the APD failed to understand that if officers are displaying “Blue Lives Matter”/ “Thin Blue Line” insignias they are acting in a manner that can undermine the public’s trust. The purpose of establishing uniform guidelines is so that all officers dress the same and do not endorse any political or social messages. If it is against guidelines to display a “Blue Lives Matter”/ “Thin Blue Line” flag within an APD facility and on APD equipment, then it is also against those same guidelines for officers to display that imagery when conducting their official duties in APD-issued uniform.

T&M found that the APD arrested thirteen (13) individuals on April 22, 2021, but failed to maintain a central repository for information regarding the arrestees. T&M found that APD did not have a predetermined arrest plan regarding what criminal charges and conditions were eligible for DATs. Cornell was a supervisor overseeing the arrest team and when asked simple questions by Complainant #3 he provided inaccurate information by telling Complainant #3 that her daughter was being arraigned and she should wait outside the courthouse. While T&M could not confirm that Cornell was purposefully providing wrong information to “terrorize” families as Complainant #3 alleged, Cornell could have called the desk to find out Witness #1’s location. T&M found that, since he oversaw arrest processing, he should have been aware that some arrestees would be eligible for DATs. The OPS report exonerated the allegation that the APD improperly handled Complainant #3’s request for information regarding her daughter. The OPS report references that it was a chaotic time, but that Complainant #3 was told after calling South Station desk that her daughter would most likely receive a DAT. There is no indication in the OPS report of how this information was gathered.

T&M found that the APD failed to secure Witness #1’s personal property, namely her phone. Both Complainant #3 and Witness #1 told T&M that they received conflicting information regarding the location of Witness #1’s phone. They were told it was being held at the station, which was not true. While OPS sustained this allegation that Witness #1’s phone was not secured, the report added “In such a chaotic situation officers (sic) are not thinking about property in the heat of the moment. If the CO’s daughter had followed lawful orders she would’ve been at Grand Street, with her cell phone.” Blaming the complainant for the officer’s failure to follow procedures corroborates Complainant #3’s allegation that the investigating detective was rude and confrontational when speaking with her. It further illustrates her claim that the APD’s

behavior limits civilians from trusting the process and will encourage them to not report misconduct.

T&M did not sustain Complainant #3's allegation that the officers used excessive force in the arrest of her daughter, Witness #1. After reviewing officers' body-worn camera footage and Witness #1's livestream on Instagram. Witness #1 can be heard saying repeatedly "I am not moving," therefore T&M found that the minimal force used to arrest Witness #1 was within guidelines. While there is no evidence that Witness #1 resisted arrest, she did not cooperate. T&M Witness #1 reviewed officers' BWCs and observed some officers using their batons and hitting arrestees that were on the ground. However, T&M, without the ability to interview APD officers, could not evaluate whether their actions were justified or within APD guidelines.

In addition to investigating the four (4) civilian complaints, T&M found other misconduct, namely, that the APD failed to follow its own internal operation order, failed to gather sufficient intelligence to plan for the takedown of the encampment, failed to ensure that the lead Lieutenant had activated his body-worn camera, failed to develop a plan for the breakdown of the encampment, including a plan to safeguard protesters' personal property, failed to do a thorough and timely investigation and failed to do a post-operative review.

Operational Order 21-01 directed the on-duty supervisor to contact the people in charge (abbreviated in the order as "POC") of the protest and inform them that the street was to be cleared for sanitation and health concerns. The supervisor was to inform the people in charge that the APD intended to re-open a protest area after sanitation operations by DGS. After that notification, the supervisor was to make an announcement that the protestors should disassemble the area and vacate. The supervisor should give them sufficient time to disassemble the area and vacate.

The supervisor in charge was Lieutenant Jones. He did attempt to identify the people in charge and try to speak with any individual protestor, but he reported that protestors did not cooperate. Hawkins had been in contact with Person #1, but Lieutenant Jones was not made aware that he should speak with her or someone in charge. Just sending Lieutenant Jones out there with no knowledge about who to speak with was a recipe for failure. At the time Lieutenant Jones approached the group there were approximately thirteen (13) people at the site. The pre-plan discussed by Jones with other supervisors and officers was to give the protestors fifteen (15) minutes to vacate. The encampment had multiple tents that were secured to the ground. These tents contained personal property and food stuffs. Considering the number of people at the site, fifteen (15) minutes was insufficient time to take down the encampment. Jones never advised the protestors of any alternate site. While it is difficult to predict what the outcome would have been if Jones had followed the operational order, it is reasonable to say that if he tried to speak with the actual persons in charge and explain the situation there could have been less arrests and personal property may not have been destroyed.

T&M interviewed Hawkins and Gipson, who were part of command staff in April 2021. Both told T&M that there was not twenty-four (24) hour surveillance on the site. Gipson told T&M that he went to the encampment on the first day and was not well received. The protesters said no one from APD went into the encampment. Gipson said that the site was discussed at staff meetings, but they did not get updates on who was at the site, what they were doing, so when they went to do the takedown, they were not aware that the tents were secured to the ground or the amount of property at the site. Hawkins told T&M that he had information that was critical to the safety of the Capital Region and that was why he made the decision to take down the encampment. Hawkins refused to share this information citing confidentiality reasons. Therefore, knowing that there was limited surveillance on the site and not being provided with the reasons behind Hawkins ordering the takedown of the encampment, T&M has focused on the failure of APD to engage in meaningful pre-negotiation regarding the take down of the encampment, the failure to provide sufficient time for the protesters to breakdown the encampment, the failure to safeguard the protesters property and the failure to do a post-operative review of the takedown.

T&M and OPS found that Jones failed to activate his body-worn camera during the takedown of the encampment.<sup>54</sup> He was the lead operational officer on the ground and failed to activate his BWC. While T&M was not provided with an explanation as to why he chose to not activate his BWC, since he failed to cooperate with a legal subpoena and be interviewed, it is noted that the OPS report cites him for failing to activate his BWC. In the report there is an indication that he may have an underlying medical condition that he believed would allow him to not activate his BWC but did not have pre-approval from the APD.

T&M found that the APD did not have a plan to safeguard personal property of the protesters. The APD Operational Order fails to address the issue of the personal property that was at the encampment. The Operational Order only addresses the need for DGS to come and sanitize the area once the protesters have been removed. T&M reviewed officers' BWCs and the officers can be seen slicing down the tents and moving heavy objects such as large quantities of water to the side as they moved through the site. The protesters who were interviewed told T&M that when they went to DGS to retrieve their property, their property was not there.

T&M found that the APD failed to conduct a post-operative review of the takedown of the encampment and failed to prepare an After-Action Report. After reviewing the OPS report and the interviews of Hawkins, Gipson, and Cornell, T&M found that a police action of this nature was atypical for the APD. The failure of the APD to do a post-operative review does not comport with industry "best practices" and the failure to prepare an After-Action Report is not within APD Guidelines.

---

<sup>54</sup> T&M cannot confirm if Jones was wearing a body-worn camera because he failed to cooperate with this investigation. The report clearly states he did not have a BWC. OPS recommended he be retrained on BWC policy.

---

T&M found that APD investigated the individual cases separately from the OPS Confidential Report and failed to conduct a thorough and timely investigation. OPS' findings on the four referenced complaints were forwarded to the CPRB over two years after they were originally filed and well past the sixty (60) days outlined in General Order 2.4.05 II. B.

The removal of name tags and/or badges by the officers sends the message to the community that the APD is not accountable for its actions, and the APD's response to label it as miscommunication fails to take account of the community's perception of a lack of transparency and accountability of the APD. The failure of the APD to conduct a post-operative review sends the unfortunate message that they are not willing to learn from this incident and see what they can do better going forward.

Hawkins in his interview with T&M stated that he thought his officers did a good job under the circumstances, and while T&M agrees that the majority of APD officers did not appear to use excessive force<sup>55</sup> or engage with the protesters in verbal discord, complex situations such as this require more than "just doing a good job." T&M credits the APD officers for not responding to the inappropriate name calling and taunting by the protesters, including the use of racial slurs. Protesters justified their language as part of the protesting process and protected speech.

In conclusion, T&M finds that the actions by the APD to engage with the protesters on April 14, 2021, led to the encampment at South Station. Additionally, T&M finds that there were no efforts by the APD to resolve the situation amicably with the protesters even though Hawkins was communicating with Person #1 who was acting as a liaison between the APD and the protesters. T&M finds that the failure to follow their own operation order and attempt to negotiate a peaceful removal of the protesters, coupled with the removal by APD officers of their nametags and/or badges, resulted in the CPRB complaints that were investigated as well as some overall community mistrust. While T&M cannot corroborate the fifty (50) plus complaints that Witness #2 told T&M were filed with the APD, the review of the four (4) complaints, BWCs, and social and news media demonstrate that many in the community were disappointed with the handling of the situation especially the takedown of the encampment.

---

<sup>55</sup> Chief Hawkins was asked about APD's Use of Force forms, and that one officer fills out a report that includes other officers' use of force. He stated that this matter was corrected and that each officer who uses force must file their own form. Additionally, T&M viewed some APD officers using their batons but without the ability to interview those officers T&M was unable to evaluate whether their actions were justified.

**Exhibit 1: Uniforms and Grooming Standards,  
Albany Police Department General Order No. 3.2.00**



Eric Hawkins  
Chief of Police

**ALBANY, NEW YORK**  
**POLICE DEPARTMENT**  
165 HENRY JOHNSON BOULEVARD  
ALBANY, NEW YORK 12210



1789

**UNIFORMS AND GROOMING STANDARDS**  
**GENERAL ORDER NO: 3.2.00**

<b>Issue Date:</b> November 28, 2016	<b>Effective Date:</b> March 1998
<b>Revision Date:</b> July 18, 2014	<b>CALEA:</b> 22.1.6, 41.3.4, 41.3.5, 41.3.6
<b>Volume 3:</b> Operations	<b>Chapter 2:</b> Uniforms and Equipment
<b>Distribution:</b> All Personnel	<b>NYSLEAP:</b> 41.1, 41.3
<b>Issuing Authority:</b> Chief Eric Hawkins	<b>Page:</b> 1 of 25

- PURPOSE:** The purpose of this policy is to establish rules and regulations governing the use and maintenance of authorized equipment, apparel, and uniforms, as well as acceptable grooming standards.
- POLICY:** It is the policy of the Albany Police Department to ensure that all personnel are properly attired and well groomed while representing the Department. Personnel shall consistently present themselves in a professional manner, and shall only use authorized equipment, apparel, and uniforms. Such equipment, apparel, and uniforms shall be maintained in a neat and clean fashion at all times.
- DEFINITIONS:**
- Emergency Repair** – Emergency repair means that the employee requesting a uniform/equipment repair or replacement does not have a duplicate of the damaged item and cannot properly perform his/her duties until provided with a likewise replacement. Emergency repair requests will generally be remedied within a twenty-four (24) hour period.
- Normal Repair** – Normal repair means that the employee requesting a uniform/equipment repair or replacement does have a duplicate of the damaged item and can properly perform his/her duties for a short period of time without the damaged item. Normal repair requests will generally be remedied within five (5) business days.

**I. UNIFORM STANDARDS**

- A.** All personnel, except as noted, shall wear approved uniform apparel and equipment while on-duty or whenever representing the department, as outlined in this policy.
  1. Personnel entitled to a uniform allowance, as described in the employee's respective collective bargaining agreement, shall be entitled to such payment as directed.
- B.** Approved uniforms and equipment shall be furnished or authorized by the Albany Police Department. Uniforms shall be worn in the appropriate manner, as set forth in this policy.
- C.** Personnel may choose to purchase their own equipment and/or uniform items at their own expense. These personally owned items must meet the specifications set forth in this policy. The purpose of these guidelines is to ensure uniformity and prevent the use of unauthorized or substandard equipment.

- D.** Personnel are responsible for the proper maintenance, care, and safekeeping of


their uniforms and equipment.

- E. Whenever personnel appear in uniform, said uniforms shall be neat, clean, pressed, and worn in the prescribed manner. Only approved adornments shall be worn. While in formation, uniform jackets, and coats shall be appropriately buttoned or zipped.
- F. Personnel authorized to wear non-uniform clothing while on duty, shall at all times be neatly dressed, as set forth in this policy.
- G. Upon entering any department facility or area which is prohibited to the public, all department personnel shall have attached to their outermost garment either their shield or identification card in plain view, so as to be easily identified as authorized personnel.
- H. Personnel shall not alter uniforms, weapons, or equipment without express written permission from the Chief of Police.
  - 1. Authorized alterations to firearms can only be performed by an Albany Police Department Training Unit Firearms Instructor or other authorized personnel.
- I. Personnel shall not sell or give away any department uniforms or equipment without express written permission from the Chief of Police.
- J. Police uniforms shall not be worn in combination with any non-uniform clothing while on duty, except as authorized by the Chief of Police.
- K. Personnel, while off-duty shall not wear any distinguishable police uniforms or parts thereof, unless authorized by the Chief of Police.
- L. Non-sworn personnel shall not carry any weapon while on-duty.
- M. Non-sworn uniformed personnel shall assemble and wear only issued uniforms in the same manner, as set forth in this policy.
- N. Sworn personnel shall only wear the uniform class that is designated in operation orders and/or overtime detail postings.

## **II. UNIFORM DISTRIBUTION**

- A. The department issues the following uniforms and equipment to all sworn personnel, upon appointment and entry into the Basic Course for Police Officers:
  - 1. (2) – Utility Trousers (Academy regulation);
  - 2. (2) – Utility Short-Sleeve Shirts (Academy regulation);
  - 3. (2) – Utility Long-Sleeve Shirts (Academy regulation);
  - 4. (2) – Physical Training T-Shirts;
  - 5. (1) – Physical Training Shorts;
  - 6. (1) – Physical Training Sweat Pants;
  - 7. (1) – Physical Training Sweat Shirt;
  - 8. (1) – Rain Gear Jacket;
  - 9. (1) – Rain Gear Pants;
  - 10. (1) – Tie with Tie Bar; and
  - 11. All other necessary equipment, as determined by the Chief of Police or his/her designee.
- B. The department issues the following uniforms and equipment to all sworn personnel, upon the successful graduation of the Basic Course for Police Officers:



1. (1) – Albany Police Department Shield and Mourning Band;
2. (1) – Albany Police Department Hat Piece;
3. (1) – Albany Police Department Identification Card;
4. (1) – Eight Point Uniform Hat;
5. (1) – Winter Hat;
6. (1) – Baseball Cap;
7. (2) – Uniform Trousers;
8. (1) – BDU Utility Pants;
9. (4) – Short-Sleeve Uniform Shirts;
10. (4) – Long-Sleeve Uniform Shirts;
11. (2) – Short Sleeve Polo Shirts;
12. (1) – Summer Blouse;
13. (1) – Spring Jacket;
14. (1) – Winter Coat;
15. (1) – Uniform Black Tie with Tie Bar;
16. (1) – Rain Coat and Hat Cover;
17. (1) – Set of Collar Brass;
18. (1) – Pair of White Gloves;
19. (1) – Riot Helmet;
20. (1) – Gas Mask and Holder;
21. (1) – Traffic Vest;
22. (1) – Baton with Thong;
23. (1) – Portable Radio Case;
24. (1) – Set of Ear Microphones;
25. (1) – Duty Weapon with Extra Ammunition (model and ammunition amount, as determined by the Chief of Police or his/her designee);
26. (1) – Set of Issued Leather Gear, which includes:
  - a. (1) - Duty Belt;
  - b. (1) - Holster;
  - c. (1) - Magazine/Cartridge Holder;
  - d. (1) - Handcuff Case;
  - e. (1) - OC Spray Case;
  - f. (1) - Mini-Mag Light Holder; and
  - g. (4) - Belt Keepers.
27. (1) - Bullet Proof Vest with Appropriate Liners
  - a. Officers are permitted to purchase and deploy the Point Blank  external vest carrier for uniform operations. The carriers shall only be worn in the following manner:
    - i. Carriers must be black in color.
    - ii. Carriers must bear a front placard that is embroidered with the officer's Albany Police Department shield and name tag.
      - a) The template on file at Rosen's Uniform is the only authorized template to be worn.
    - iii. Carriers must bear the back "POLICE" placard.
    - iv. No other placards or patches will be permitted on the carrier.
    - v. Carriers will be issued to new hires and as a replacement vest to current personnel.
28. All shoulder/insignia/external vest patches, shields, and name tags shall be attached by the vendor to all appropriate items when issued, as per the

applicable Agreement. No other insignia, patches, or embroidery is authorized.

**C. Neighborhood Engagement Unit (NEU) – Officers assigned to an NEU beat shall be issued the following additional uniform equipment:**

1. (2) – NEU Two-Tone Short Sleeve Shirts;
2. (2) – NEU Two-Tone Long Sleeve Shirts;
3. (2) – Cargo Style Bike Pants;
4. (2) – Cargo Style Bike Shorts;
5. (1) – NEU Two-Tone Spring Jacket;
6. (1) – Nylon Duty Belt with Nylon Accessories;
7. (1) – Inner Belt for Nylon Duty Belt;
8. (1) – Road Patrol Bicycle with Police Package, upon successful completion of a DCJS approved police bicycle course; and
9. (1) – Bicycle Helmet.



**D. Community Service Officers (CSO) – Officers assigned to a CSO position shall be issued the following additional uniform equipment:**

1. (2) – Short Sleeve Albany Police Polo Shirts;
2. (2) – Long Sleeve Albany Police Polo Shirts;
3. (2) – NEU Two-Tone Short Sleeve Shirts;
4. (1) – NEU Two-Tone Long Sleeve Shirt;
5. (1) – Cargo Style Bike Shorts;
6. (1) – Cargo Style Bike Pants;
7. (1) – NEU Two-Tone Spring Jacket;
8. (1) – Nylon Duty Belt with Nylon Accessories;
9. (1) – Inner Belt for Nylon Duty Belt;
10. (1) – Road Patrol Bicycle with Police Package, upon successful completion of a DCJS approved police bicycle course; and
11. (1) – Bicycle Helmet.



**E. School Resource Officers (SRO) - Officers assigned to an SRO position shall be issued the following additional uniform equipment:**

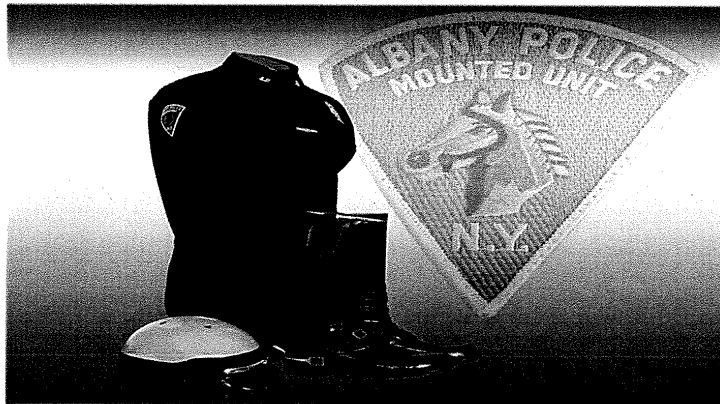
1. (2) – Short Sleeve Albany Police Polo Shirts;
2. (2) – Long Sleeve Albany Police Polo Shirts; and
3. (2) – Khaki Color BDU Pants.

**F. TRAC (To Reach and Connect) - Officers assigned to a TRAC position shall be issued the following additional uniform equipment:**

1. (2) – Short Sleeve Albany Police Polo Shirts;
2. (2) – Long Sleeve Albany Police Polo Shirts; and
3. (2) – Khaki Color BDU Pants.

**G. Mounted Patrol – Officers assigned to a Mounted Patrol position shall be issued the following additional uniform equipment:**

1. (1) - Riding Helmet;
2. (2) - Riding Pants;
3. (1) - Black Cape Raincoat;
4. (1) - Pair of Riding Boots;
5. (1) - Set of Mounted Unit Collar Brass;
6. (1) - Baseball Cap;
7. (1) - BDU Utility Pants;
8. (1) - Long-Sleeve Utility Shirt;
9. (1) - Short-Sleeve Utility Shirt;
10. (1) - Utility Jacket; and
11. Mounted Patrol Insignia Patches.



**H. Traffic Safety Division – Officers assigned to the Traffic Safety Division who are required to ride a motorcycle shall be issued the following additional uniform equipment:**

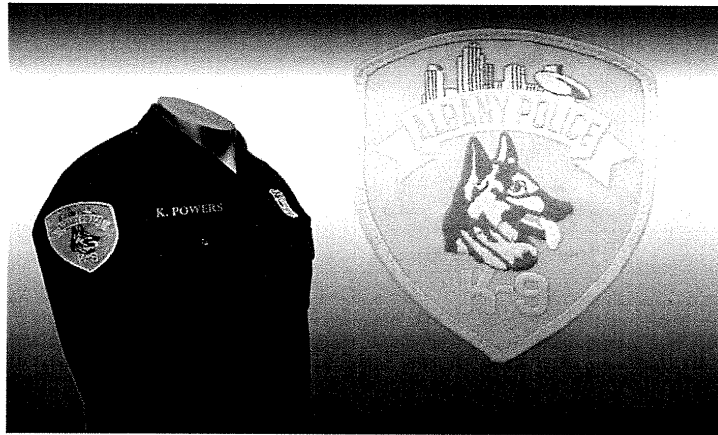
1. (1) - Crash Helmet;
2. (2) - Pairs of Riding Pants;
3. (1) - Yellow Rain Suit;
4. (1) - Pair of Riding Boots (or riding shoes and put-tees); and
5. Traffic Insignia Patches.





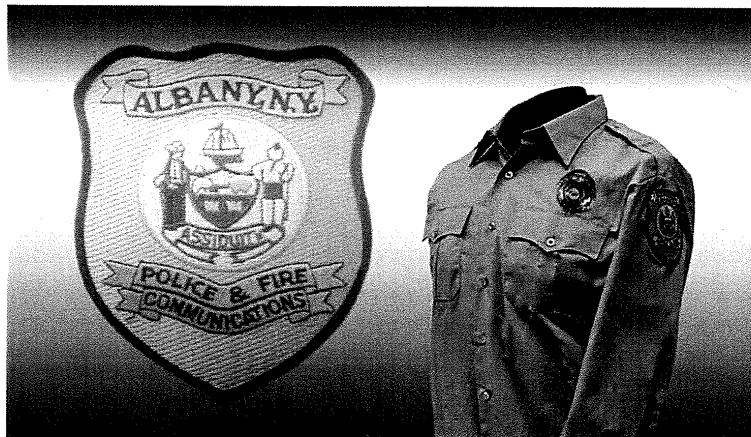
**I. K-9 Unit – Officers assigned to a K-9 Unit position shall be issued the following additional uniform equipment:**

1. (1) - Set of K-9 Collar Brass;
2. (2) - Pairs of Issued Boots;
3. (1) - Utility Hat;
4. (1) - Utility Long-Sleeve Shirt;
5. (1) - Utility Short-Sleeve Shirt;
6. (1) - Utility BDU Pants; and
7. (1) - Utility Jacket.



**J. Telecommunications Specialist – Personnel assigned to a Telecommunications Specialist position shall be issued the following uniform equipment:**

1. (1) – Albany Police Department Telecommunications Specialist Shield;
2. (1) – Albany Police Department Identification Card;
3. (2) – Black Uniform Trousers;
4. (2) – Blue Uniform Short-Sleeve Shirts;
5. (2) – Blue Uniform Long-Sleeve Shirts;
6. (1) – Gray Polo Shirt;
7. (1) – Uniform Tie and Tie Bar; and
8. (1) – Set of Collar Brass.



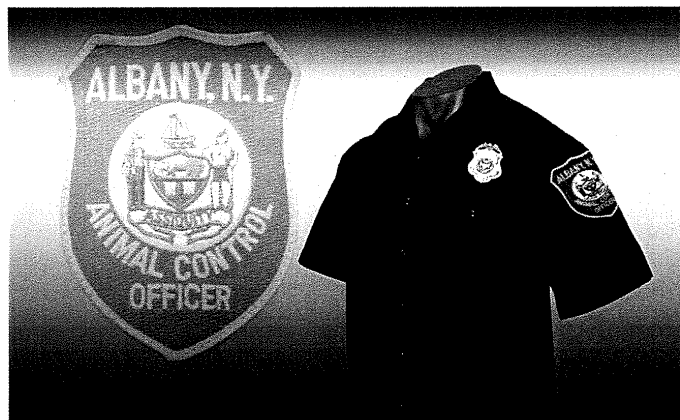
**K. Matrons/Booking Clerks – Personnel assigned to a Matron/Booking Clerk position shall be issued the following equipment:**

1. (1) – Albany Police Department Matron/Booking Clerk Shield;
2. (1) – Albany Police Department Identification Card;
3. (1) – Brown Uniform Hat;
4. (2) – Black Uniform Trousers;
5. (2) – Tan Uniform Short-Sleeve Shirts;
6. (2) – Tan Uniform Long-Sleeve Shirts;
7. (1) – Uniform Tie and Tie Bar;
8. (1) – Yellow Raincoat and Hat Cover; and
9. (1) – Brown Winter Overcoat.



**L. Animal Control Officer (ACO) – Personnel assigned to an ACO position shall be issued the following equipment:**

1. (1) – City of Albany Animal Control Officer Shield;
2. (1) – Albany Police Department Identification Card;
3. (2) – Black Uniform Trousers;
4. (2) – Blue Uniform Short-Sleeve Shirts;
5. (2) – Blue Uniform Long-Sleeve Shirts;
6. (1) – Spring Jacket; and
7. (1) – Winter Coat.



**M. School Crossing Officers (SCO)** – Personnel assigned to a SCO position shall be issued the following equipment:

1. Reflective School Crossing Vest; and
2. Albany Police Department Identification Card.

### **III. UNIFORM CLASSES**

#### **A. Full Dress Uniform:**

1. Uniform Hat;
2. Summer Blouse;
3. Long Sleeve Uniform Shirt;
4. Tie and Tie Bar;
5. Collar Brass;
6. Uniform Trousers;
7. Polished Black Leather Uniform Shoes with Black/Dark Blue Socks;
8. Required Leather Gear;
9. White Uniform Gloves;
10. Raincoat and Cap Cover (weather dictating); and
11. Overcoat (weather dictating).



#### **B. Class A Uniform – Summer:**

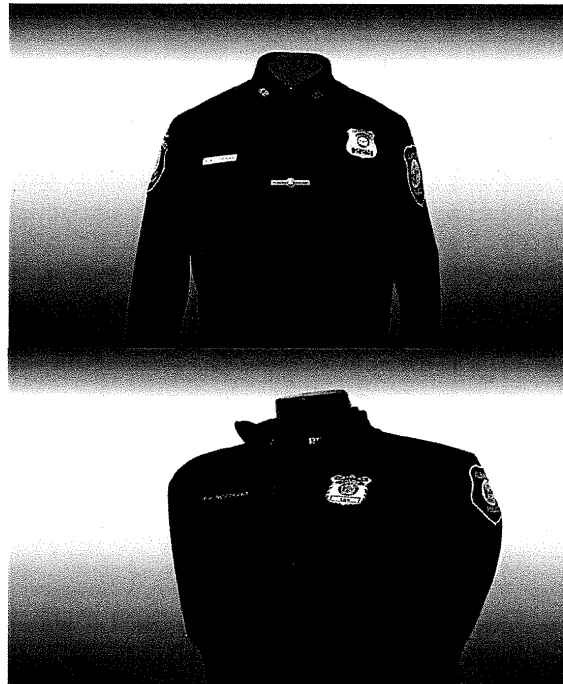
1. Short Sleeve Uniform Shirt with Collar Brass and White or Black Undershirt;
2. Uniform Trousers (No BDUs);
3. Polished Black Leather Uniform Shoes with Black/Dark Blue Socks;
4. Required Leather Gear;
5. Uniform Hat;
6. Raincoat and Cap Cover (weather dictating); and
7. Spring Jacket (weather dictating).





**C. Class A Uniform – Winter:**

1. Long Sleeve Uniform Shirt;
2. Tie and Tie Bar;
3. Collar Brass;
4. Uniform Trousers (No BDUs);
5. Polished Black Leather Uniform Shoes with Black/Dark Blue Socks;
6. Required Leather Gear;
7. Uniform Hat;
8. Raincoat and Cap Cover (weather dictating);
9. Winter Jacket (weather dictating); and
10. Patrol Sweater (Only as shown below and as described on p. 14).



**D. Patrol - Warm Weather Uniform:**

1. Short Sleeve Polo Shirt;
2. BDU Utility Pants;
3. Point Blank External Vest Cover (optional) with Department Issued Bullet Proof Vest, or Department Issued Bullet Proof Vest which shall be worn under the Officer's Uniform Shirt;
4. Black Uniform Shoes with Black/Dark Blue Socks;
5. Utility Baseball Style Hat;
6. Required Leather Gear; and
7. Spring Jacket (weather dictating).



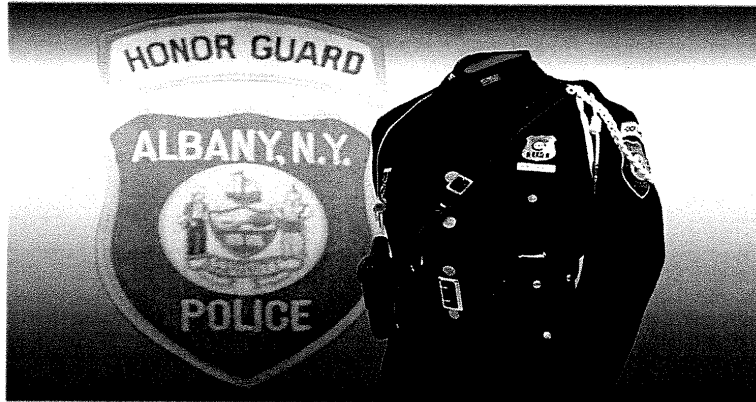
**E. Patrol – Cold Weather Uniform:**

1. Long Sleeve Uniform Shirt;
2. Approved Turtle Neck or Tie and Tie Bar;
3. Collar Brass;
4. BDU Utility Pants or Uniform Trousers;
5. Point Blank External Vest Cover with Department issued Bullet Proof Vest, or Department Issued Bullet Proof Vest which shall be worn under the Officer's Uniform Shirt;
6. Black Uniform Shoes with Black/Dark Blue Socks;
7. Required Leather Gear;
8. Winter Hat (weather dictating); and
9. Winter Coat (weather dictating).



**F. Honor Guard:**

1. Honor Guard Long Sleeve Shirt;
2. Honor Guard Collar Brass;
3. Honor Guard Summer Blouse with White Braid on the Left Shoulder, Except for Funeral Details;
4. Tie and Tie Bar;
5. Collar Brass;
6. Silver Whistle Seven (7) Chain over Right Side Pocket;
7. Name Tag over Left Side Pocket under Shield;
8. Issued Service Bars/Stars;
9. Honor Guard Leather Gear – Black Clarion Sam Browne Gun Belt worn over Blouse, with Duty Weapon, Handcuffs, and Ammunition in Magazine Pouch;
10. Honor Guard Trousers;
11. Honor Guard Shoes;
12. White Gloves; and
13. Eight (8) Point Uniform Hat.



**G. Court Uniform:** Uniformed personnel shall wear the following uniform while representing the department at any court proceeding, including conferences:

1. Long or Short Sleeve Uniform Shirt;
2. Tie and Tie Bar;
3. Collar Brass;
4. Uniform Trousers;
5. Black Uniform Shoes with Black/Blue Socks;
6. Required Leather Gear; and
7. Eight (8) Point Uniform Hat.

**IV. UNIFORM PARTS**

**A. Separate uniform parts shall be worn according to the following:**

**1. Shield:**

- a. The Albany Police Department shield shall be worn above the left

- pocket of the outermost garment;
- b. Black leather shield holder with approved insignia and/or awards may also be worn with the shield; and
- c. When so ordered, a mourning band shall be worn.

**2. Name Tag:**

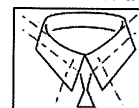
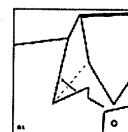
- a. The Albany Police Department name tag shall be worn over the right pocket of the outermost garment.

**3. Uniform Hat:**

- a. The eight (8) point hat, baseball hat, and winter hat shall be worn with the appropriate uniform class; and
- b. The eight (8) point hat shall be worn when instructed by the Chief of Police or his/her designee.

**4. Collar Brass:**

- a. Issued collar brass shall be worn on all full dress, court dress, and the class A uniform.
- b. The insignia (A.P.) shall be worn on the right side collar, and the assignment insignia (P.D.) shall be worn on the left side collar.
  - i. Long Sleeve Shirt with Tie – While wearing the long sleeve class A shirt and tie/tie bar, the collar brass shall be affixed to the uniform so as to be parallel with the top of the collar.
  - ii. Short Sleeve Shirt and Long Sleeve with Turtleneck – While wearing the short sleeve shirt or class A long sleeve uniform with turtleneck the collar brass shall be affixed to the uniform so as to be 45° with the top of the collar.



**5. Tie and Tie Bar:**

- a. Whenever the long-sleeve shirt is worn, the issued tie and tie bar shall be worn, except when wearing a turtleneck; and
- b. The issued tie bar shall be worn so that it is even with the breast buttons on the shirt.

**6. Service Bars and Stars:**

- a. Only worn on outer garments, except for rain gear;
- b. Bars and stars shall not be combined;
- c. Issued blue service bars shall be worn on the left sleeve only, and designated as follows:
  - i. Each bar shall designate five (5) years of service.
  - ii. Four (4) bars shall be the maximum number of service bars to be worn.
- d. Issued blue service stars shall be worn on the left sleeve only, and



designated as follows:

- i. The first star shall designate twenty-five (25) years of service.
- ii. Each additional star thereafter shall designate five (5) years of service.

**7. Whistle/Whistle Chain:**

- a. Silver whistles and whistle chains may be worn by Mounted Unit and Traffic Safety Officers; and
- b. They shall be worn on the right side of the uniform, with the top attached to the right shoulder button and the holder attached above the right pocket.

**8. Additional Insignias/Patches:**

- a. The Albany Police Department shoulder patch shall be affixed to the left sleeve of all shirts, jackets, and sweaters;
- b. The traffic wheel shall be affixed to the left sleeve, below the Albany Police Department shoulder patch;
- c. The Accreditation patch shall be affixed to the right shoulder, in the same manner as the Albany Police Department shoulder patch;
- d. The Mounted Unit patch shall be affixed to the right shoulder, in the same manner as the Albany Police Department shoulder patch;
- e. The K-9 patch shall be affixed to the right shoulder, in the same manner as the Albany Police Department shoulder patch; and
- f. The Honor Guard rocker shall be affixed above the shoulder patches on both sides of the uniform.

**9. Uniform – November 1<sup>st</sup> through March 31<sup>st</sup>**

- a. Personnel shall wear the following uniform styles from November 1<sup>st</sup> through March 31<sup>st</sup>:
  - i. Class A – Winter Uniform; or
  - ii. Patrol – Cold Weather Uniform.
- b. The patrol sweater shall be worn in the following manner:
  - i. Long Sleeve Uniform Shirt;
  - ii. Tie and Tie Bar;
  - iii. Collar Brass; and
  - iv. Patrol sweater worn as the outer most garment.
- c. No other uniform styles are authorized during these dates.

**10. Uniform – April 1<sup>st</sup> through October 31<sup>st</sup>**

- a. Personnel shall wear the following uniform styles from April 1<sup>st</sup> through October 31<sup>st</sup>:
  - i. Class A – Summer Uniform;



- ii. Class A – Winter Uniform;
- iii. Patrol – Warm Weather Uniform; or
- iv. Patrol – Cold Weather Uniforms.

- b. The combination, mixing, cross-matching, or supplementing of shirts, pants, or jackets between different uniforms is not allowed.

**11. Polo Shirts:**

- a. Department approved polo shirts shall be worn with the shield number embroidered on the left chest; and
- b. Name embroidered on the right chest.

**12. Uniform Trousers:**

- a. Navy Blue;
- b. Police Officers and Sergeants – ¼" Black Mohair Braid;
- c. Traffic Safety Officer – Silver Braid;
- d. Honor Guard – One (1) Inch Silver Braid; and
- e. Black Trouser Belt.

**13. BDU Utility Pants:**

- a. Navy Blue;
- b. Only allowed to be worn with the cold weather and warm weather uniforms. BDUs are not permissible with any variation of the Class A uniform; and
- c. Black Trouser Belt.

**14. Summer Blouse:**

- a. Worn Only for Dress Occasions;
- b. Buttoned While in Formation;
- c. Officer's Shield and Name Tag;
- d. Issued Blue Service Bars/Stars; and
- e. Issued Tie and Tie Bar.

**15. Spring Jacket:**

- a. Shall be Worn Between April 1<sup>st</sup> and October 31<sup>st</sup>;
- b. The Short-Sleeve Shirt with Open Collar may be Worn Underneath;
- c. Officer's Shield and Name Tag; and
- d. Issued Blue Service Bars/Stars.

**16. Overcoat:**

- a. Officer's Shield and Name Tag; and
- b. Issued Service Bars/Stars.

**V. INSIGNIA**

- A.** The following insignia shall be worn as follows:

**1. Sergeant:**

- a. Sergeant Shield and Hat Piece;
- b. Sergeant Insignia on Both Sleeves of all Uniforms;
- c. Silver Rope on Hat;
- d. White Service Bars/Stars; and
- e. Silver Whistle/Whistle Chain for Appropriate Assignments.



**2. Lieutenant:**

- a. Lieutenant Shield and Hat Piece;
- b. Gold Lieutenant Insignia Worn on the Shoulder Epaulets, centered on the sewn seam of all shirts, jackets, and coats;
- c. White Uniform Shirt;
- d. Gold Rope and Piping on Hat;
- e. One (1) row ½" Gold Bullion three (3) inches above the sleeve cuff on both sides of outerwear;
- f. Gold Service Bars/Stars; and
- g. Gold Whistle/Whistle Chain for Appropriate Assignments.



**3. Commander:**

- a. Commander Shield and Hat Piece;
- b. Gold Commanders Insignia worn on the shoulder epaulets, centered on the sewn seam of all shirts, jackets, and coats;
- c. White Uniform Shirt;
- d. Gold Rope and Piping on Hat;
- e. Two (2) rows ½" Gold Bullion worn three (3) inches above sleeve cuff, ¼" apart on both sides of outwear; and
- f. Gold Service Bars/Stars.



**4. Deputy Chief:**

- a. Deputy Chief Shield and Hat Piece;
- b. Deputy Chief Insignia worn on the uniform shirt in place of collar



- brass;
- c. Deputy Chief Insignia worn on the shoulder epaulets, centered on the sewn seam of all shirts, jackets, and coats;
- d. White Uniform Shirt;
- e. Gold Braids, Piping and Visor Ornamentation, consisting of two (2) arcs of oak leaf on the Hat;
- f. Three (3) rows ½" Gold Bullion worn three (3) inches above sleeve cuff, ¼" apart on both sides of outwear; and
- g. Gold Service Bars/Stars.



**5. Chief of Police:**

- a. Chief Shield and Hat Piece;
- b. Chief Insignia worn on the Uniform Shirt in place of collar brass;
- c. Chief Insignia worn on the shoulder epaulets, centered on the sewn seam of all shirts, jackets, and coats;
- d. White Uniform Shirt;
- e. Gold Braids, Piping and Visor Ornamentation, consisting of two (2) arcs of oak leaf on the Hat;
- f. Four (4) rows ½" old bullion worn three (3) inches above sleeve cuff, ¼" apart on both sides of outwear; and
- g. Gold Service Bars/Stars.



**VI. EQUIPMENT**

**A. Sworn personnel in uniformed positions shall wear or carry the following equipment, unless specifically excused by their commanding officer:**

- 1. Duty weapon properly loaded with approved ammunition and carried in approved holster.
  - a. Duty weapon shall be the model determined by the Chief of Police depending upon assignment.
  - b. Holsters shall either be the issued holster or a substitute holster that is approved by the Chief of Police.
- 2. Issued ammunition:
  - a. [REDACTED] duty ammunition.
    - i. Ammunition shall be new factory ammunition approved for the duty weapon; and
    - ii. Carried in magazines located in ammunition case or pouch

matching the gun belt.

3. Black trouser belt shall be worn under the gun belt, if applicable.
4. Set of handcuffs carried in a matching case, with key available for use.

- a. Extra handcuffs may be carried.
- b. All handcuffs shall have a double locking mechanism.


5. Issued or approved baton.
6. Black or navy blue socks with black boots.
7. Bullet proof vest with appropriate liners.

- a. Sworn personnel are required to wear their bullet proof vest during their tour of duty and while engaged in patrol or field operations. This requirement includes uniformed officers engaged in extra-duty secondary employment.
- b. Sworn personnel engaged in pre-planned, high-risk, and/or tactical situations are required to wear their bullet proof vest during said operations. High-risk or tactical situations include any situation in which entry is made by force, or deemed as such by the briefing supervisor. Examples include, but are not limited to, planned search warrant execution, drug raids, initial crime scene response, and serving felony arrest warrants.

8. Safety helmet with face shield, which shall be readily available.
9. Albany Police Department portable radio carried in approved case.
10. Pen with black ink.
11. Flashlight in good working condition.
12. Memo or notebook.
13. A watch in good working condition.
14. Set of foul weather gear, which shall be readily available.
15. Book of UTT's, parking tickets, appearance tickets, and various report forms.

**B. Sworn personnel in plain clothes positions shall wear or carry the following equipment, unless specifically excused by a commanding officer:**

1. Duty weapon properly loaded with approved ammunition and carried in approved holster.

- a.  holster (equipped with a manual strap and locking device).

2. Set of handcuffs, with key available for use.

- a. Extra handcuffs may be carried.
- b. All handcuffs shall have a double locking mechanism.

3. Bullet proof vest with appropriate liners.

- a. Sworn personnel are required to wear their bullet proof vest during their tour of duty and while engaged in patrol or field operations. This requirement includes uniformed officers engaged in extra-duty secondary employment.





- a. Certificates of completion for certified officers shall be maintained by the Training Unit.

## **VII. PROPER BUSINESS ATTIRE**

- A. Proper business attire is defined as clothing normally worn to conduct business, is not offensive to the public, and is kept within the professional standards of this department. Clothing shall be neat, clean, pressed, and in good repair.

### **1. Males:**

- a. Suit or sport coat, sweater, or vest with dress slacks;
- b. Dress shirt, suitable for tie with top collar buttoned;
- c. Tie, worn at all times;
- d. Dress shoes (shined);
- e. Socks; and
- f. During the summer months, depending on the assignment, a suit/sport coat and tie may be dispensed with the collar left unbuttoned.

### **2. Females:**

- a. Dress, skirt, and blouse or slacks and blouse;
- b. Stockings or socks;
- c. Dress shoes (shined); and
- d. Excessive make-up and jewelry shall be prohibited.

## **VIII. GROOMING STANDARDS**

- A. All employees of this department, while performing their duties, shall present themselves in a neat, clean, and a well-groomed manner, as set forth in this policy; unless specifically excused by their commanding officer.

### **1. Male Employees:**

- a. Hair must be neat, clean, and combed;
- b. Hair shall not be worn longer than the top of the shirt collar at the back of the neck when standing with the head in a normal posture;
- c. The bulk or length of the hair shall not interfere with the normal wearing of all standard headgear;
- d. Wigs or hair pieces are permitted if they conform to the above standards for natural hair;
- e. Sideburns shall be neatly trimmed, rectangular in shape and shall not extend below the ear;
- f. Officers shall be clean shaven, except that they may wear mustaches which do not extend below the upper lip line; and
- g. Beard, goatees, etc., are not permitted except when required due to a medical problem with a written excuse from the employee's physician.
  - i. Such record shall be submitted to the Chief of Police for his/her approval and kept on file for the duration of such medical condition; and

- ii. Once authorized, such facial hair shall be kept neat and trimmed and be reflective of a professional image.

**2. Female Employees:**

- a. Hair must be clean, neat, and combed;
- b. Hair shall not be worn longer than the top of the shirt collar at the back of the neck when standing with the head in a normal posture;
- c. The bulk or the length of the hair shall not interfere with the normal wearing of all standard headgear; and
- d. Wigs or hair pieces are permitted if they conform to the above standards for natural hair.

**3. Jewelry:**

- a. All jewelry worn shall be of a conservative nature and shall not be a safety hazard or prohibit the use of other equipment;
- b. Necklaces, nose pins, pendant watches shall not be worn; and
- c. No employees in uniform shall wear earrings.

**4. Nails:**

- a. Fingernails shall be kept clean and neatly trimmed; and
- b. Nail polish should be of a conservative color.

**5. Make-up:**

- a. Make-up may be worn if it is of a conservative application and does not detract from a professional appearance.

**IX. UNIFORM REPAIR/REPLACEMENT**

- A.** Employees in need of new uniforms and/or equipment due to loss, damage, wear, or other conditions that preclude the employee from properly wearing the uniform or equipment, shall follow the below steps:

**1.** Complete an Albany Police Department Uniform Repair/Request Form, APD Form # [redacted] shown on page 24 of this order.

- a. Employees who submit a request for replacement due to loss shall also complete a Standardized Incident Report (SIR) and an Intra-departmental Correspondence (IDC) explaining the circumstances surrounding such loss.
- b. Any loss of departmental property may result in disciplinary action against the employee.

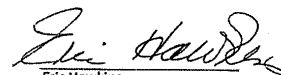
**2.** Employees shall submit the completed form(s) along with the item(s) to be repaired or replaced to their immediate supervisor for approval.

- a. The inspecting supervisor shall review the Uniform Repair/Request Form and inspect the items being submitted for repair or replacement, if not lost.
- b. The inspecting supervisor shall ensure that the request being made

- is necessary and that the time frame being requested (emergency repair or normal repair) is accurate.
- c. The supervisor shall approve or deny the request based on the inspection of the uniform item(s) and sign the completed form.
  - d. By signing the Uniform Repair/Request Form the supervisor acknowledges that they have reviewed the request and inspected the items.
  - e. If the request is denied, the form shall be forwarded to the quartermaster at Headquarters via intra-departmental mail for record keeping purposes.
3. Upon supervisor approval, the Uniform Repair/Request Form shall be attached (stapled) to the uniform item(s) being submitted for repair or replacement. The uniform items, and attached form, shall then be placed in the uniform repair receptacle located behind the front desk area of each station.
- a. Supervisors shall routinely inspect and remove any uniform items from the uniform repair receptacles and ensure that they are transported and delivered to the Quartermaster at Headquarters. This should likely occur during daily routine mail delivers already en-route to Headquarters.
4. Upon delivery, the Quartermaster shall inspect the uniform item(s) and determine if the item(s) can be repaired or will need to be replaced.
5. In the event of an emergency replacement request, the Quartermaster shall:
- a. Attempt to immediately replace the item from the department's uniform stock. This replacement may be permanent or temporary depending upon the viability for repair and cost of the original item;
  - b. Arrange for an immediate garment alteration if the item is not a suitable fit for the employee;
  - c. Arrange for the immediate repair of the item, if unable to supply a replacement;
  - d. Arrange for an immediate purchase of a replacement item from an authorized uniform supply store, if unable to replace the item from the department's stock and repair of the item is not viable;
  - e. Complete an Albany Police Department Uniform Replacement Notification Form, APD Form # [REDACTED] shown on page 25 of this order, and forward the completed form to the employee's commanding officer. This form shall serve as notification for the requesting employee to report to an authorized uniform supply store for a fitting or alteration, when necessary; and
  - f. In the event a uniform emergency occurs during weekend or non-business hours, and no other arrangements can be made at the command level, the shift lieutenant shall notify the Administrative Services Bureau (ASB) lieutenant of the equipment need. The ASB lieutenant shall then attempt to make arrangements to remedy the situation.
6. In the event of non-emergency uniform replacement requests, the Quartermaster shall:



- a. Attempt to replace the item from the department's uniform stock. This replacement may be permanent or temporary depending upon the viability for repair and cost of the original item;
  - b. Arrange for a garment alteration, if the item is not a suitable fit for the employee;
  - c. Arrange for the repair of the item, if unable to supply a replacement;
  - d. Arrange for the purchase of a replacement item from an authorized uniform supply store, if unable to replace the item from the department's stock and repair of the item is not viable; and
  - e. Complete an Albany Police Department Uniform Replacement Notification Form, APD Form # [REDACTED] shown on page 25 of this order, and forward the completed form to the employee's commanding officer. This form shall serve as notification for the requesting employee to report to an authorized uniform supply store for a fitting or alteration, when necessary.
7. The Quartermaster shall take delivery of all repaired or replaced item(s) from the uniform supply store and ensure the order or repair was properly fulfilled.
8. The Quartermaster shall complete an Albany Police Department Uniform Replacement Notification Form, APD Form # [REDACTED] shown on page 25 of this order, and forward the repaired or replaced item, along with the notification form, to the employee's unit/station commander.
9. The unit/station commander shall ensure that the uniform item(s) is delivered to the appropriate employee.
10. If the replacement of an item is temporary, the employee requesting the repair/replacement shall be informed by the Quartermaster that the item is only temporary. This shall be completed on an Albany Police Department Uniform Replacement Notification Form, APD Form # [REDACTED] shown on page 25 of this order, which shall be forwarded to the requesting employee.
  - a. The employee shall receive further notice from the Quartermaster when the original item has been repaired or replaced.
  - b. The employee is required to return the temporary item to the Quartermaster, prior to receiving the repaired or new item.
  - c. In the event that the damage to the item makes the item irreplaceable, the Quartermaster shall properly dispose of the item.

A handwritten signature in black ink, appearing to read 'Eric Hawkins'.

Eric Hawkins  
Chief of Police



**ALBANY, NEW YORK**  
**POLICE DEPARTMENT**  
 185 HENRY JOHNSON BOULEVARD  
 ALBANY, NEW YORK 12210



1785

NAME: \_\_\_\_\_ DATE: \_\_\_\_\_

RANK: \_\_\_\_\_ ASSIGNMENT/SHIFT: \_\_\_\_\_

REPLACEMENT TYPE: ☐ EMERGENCY ☐ NORMAL

PLEASE LIST UNIFORM ITEM, SIZE AND REASON FOR REQUEST:  
 (E.G. WORN, DAMAGED, LOST, TOO LARGE, OR SMALL, SPLIT SEAM)

_____	SIZE _____
_____	SIZE _____
_____	SIZE _____
_____	SIZE _____
_____	SIZE _____

*\*This form MUST be submitted through the chain of command for approval.  
 SUPERVISOR MUST INSPECT UNIFORM ITEM(S) TO BE REPLACED OR REPAIRED PER IDC # 06-13  
 \*Quartermaster will check used inventory for good condition items before ordering new items\**

SUPERVISOR APPROVING REQUEST: \_\_\_\_\_ DATE: \_\_\_\_\_

UNIT COMMANDER APPROVAL: \_\_\_\_\_ DATE: \_\_\_\_\_

*\*Upon Quartermasters approval, employees notified will have a two week period to report to Rosen's for fitting. Failure to do so will result in cancellation of uniform order.*

**QUARTERMASTER USE ONLY**

Date of last replacement: \_\_\_\_\_

Old item returned: \_\_\_\_\_

☐ PERMANENT REPLACEMENT

Condition of old item: \_\_\_\_\_

☐ TEMPORARY REPLACEMENT

DATE RECEIVED \_\_\_\_\_

STATION CLERK NOTIFIED: \_\_\_\_\_

FITTING REQUIRED Y N

ALTERATIONS Y N

ROSENS NOTIFIED ON \_\_\_\_\_

ACCESS ☐ EXCEL ☐

APD Form # 440 (Amended 7/15)



# UNIFORM REPLACEMENT NOTIFICATION

(FOR QUARTERMASTER USE ONLY)

NAME OF EMPLOYEE RECEIVING UNIFORM ITEM(S): \_\_\_\_\_

DATE: \_\_\_\_\_ ASSIGNMENT/SHIFT: \_\_\_\_\_

REPLACEMENT TYPE: EMERGENCY ☐ NORMAL ☐

- ☐ AN APPOINTMENT HAS BEEN MADE FOR YOU AT ROSEN'S TO BE FITTED FOR A NEW UNIFORM ITEM(S).
- ☐ AN APPOINTMENT HAS BEEN MADE FOR YOU AT ROSEN'S FOR AN ALTERATION OF A STOCK ITEM(S).
- ☐ ATTACHED IS THE UNIFORM ITEM(S), AS PER REQUEST.
- ☐ ITEM SUPPLIED IS A TEMPORARY REPLACEMENT.
- ☐ OTHER: \_\_\_\_\_

**LIST OF ITEMS  
ATTACHED:**

[illegible]

APD Form # 385 (Amended 10/15)