



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

**CITY OF ALBANY  
COMMUNITY POLICE REVIEW BOARD  
PUBLIC MONTHLY MEETING MINUTES**

*January 11, 2024, at 6:00 p.m.  
Albany Law School, West Wing Room W212*

---

**I. CALL TO ORDER AND ROLL CALL** (N. Vives)

Chair Nairobi Vives called the meeting to order at 6:00 PM.

**COMMITTEE MEMBERS PRESENT:** CPRB Chair Nairobi Vives, CPRD Vice Chair Dr. Veneilya Harden, Board Member Matt Ingram (Virtual), Board Member Kevin Cannizzaro (Virtual), Board Member Antionette Santos, Board Member John Levendosky, Board Member Victor Person.

**OTHERS PRESENT:** CPRB Program Manager Michele Andre, Deputy Director of GLC Patrick Woods, CPRB Outside Counsel Michael Goldstein, CPRB Outside Counsel Mark Mishler, Martin Gleeson and Complainant relating to CC2023-015 .

**II. APPROVAL OF AGENDA** (N. Vives)

Chair Vives called the meeting to order and moved to approve tonight's agenda. Motion passed unanimously.

**III. CASE REVIEW AND UPDATE**

**CC2023-015** (J. Levendosky)

CPRB Chair Nairobi Vives called the meeting to order and noted that the first order of business is case review. Chair Vives states one of the three cases to be reviewed and one will be put on hold for another agenda. Chair Vives calls on Board Member John Levendosky to review CC2023-015 and CC2023-022.

John Levendosky began with CC2023-015, stating that it is a complaint that occurred February 2, 2023, at 4:07 PM at 22 Rawson Street, Albany. John Levendosky states that at 5:07 PM at 22 Rawson Street, regarding the dispute between the landlord and tenant, the dispute arose due to a disagreement over the tenant's dog. The officer spoke

with the tenant to hear his side of the story. In the fourth minute of the officer's body camera footage, the officer stated to the tenant that if it were his dog, he would purposely have his dog defecate on there every day. The officer confirmed this account during his Office of Professional Standards (OPS) interview.

John Levendosky stated that he agrees with the OPS finding that the officer did say what he said to the complainant. John Levendosky stated that the officer's statement was unprofessional and reflected poorly on the officer and the department. John Levendosky stated that the disciplinary history did not show any patterns of behavior related to this incident. John Levendosky stated that he supports the findings with conduct standards as sustained for this case. John Levendosky noted that the records he used included body-worn cameras, statements from the officer, and interviews with the OPS.

Chair Vives opened the floor for discussions. Board Member Antionette Santos inquired about the sustained finding and did not do anything to the officer as a result.

John Levendosky responded to Antionette Santos' inquiry and stated that Detective Johnson was assigned to the case, the consequences of the incident are still on the OPS commander's desk, and they are waiting to get a verdict on whether there is counseling being done or other alternatives.

Chair Vives asked whether there were more questions from board members. Chair Vives stated that the complainant was present and emphasizes the confidentiality of the complainant's identity.

Complainant asked John Levendosky to explain the consequences of the behavior of the officer in question. John Levendosky stated that the OPS acknowledges that the officer's conduct did happen, and it is against conduct standards, however the disciplinary action has yet to be decided by the head of the OPS.

Complainant noted that as a resident of Albany, if that officer had been working in the Pine Hill area around more people that looked like him, he would not have made that statement. Chair Vives thanked the Complainant for sharing and reiterated that the CPRB takes complaints seriously. Chair Vives thanked John Levendosky for his work on CC2023-015. Complainant clarified that she felt as if the officer had escalated the situation, instead of de-escalating.

Vice Chair Veneilya Harden thanked John Levendosky for his work on the case and for its completion in a timely manner and assured Complainant that the officer's conduct will not be swept under the rug.

Antionette Santos asked Chair Vives whether there is a time limit for the officer's consequences, given the findings by the OPS. Chair Vives clarified that the discipline matrix is now within her jurisdiction, and she will consult with OPS.

After review and deliberation of the investigation of your complaint, the CPRB has made the following findings as to the conduct of the specific officer involved:

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

John Levendosky filed a motion to approve his findings. Motion seconded and passed unanimously, with none abstaining or opposing.

The CPRB and/or OPS may make a finding of Sustained – where the review discloses sufficient facts to prove the allegations made in the complaint.

**CC2023-022**

(J. Levendosky)

John Levendosky introduced CC2023-022, which occurred on April 22, 2023, at 5:51 PM. The incident occurred at 315 South Manning Boulevard, Saint Peter's Hospital. The background of the allegations of misconduct is conduct standards. John Levendosky stated that a nurse at Saint Peter's Hospital alleged that the police officers failed to properly intervene and apprehend an individual who was reported for assault at the Hospital. The nurse also claimed that the officers were disrespectful to hospital staff and did not file a report about the incident.

John Levendosky noted that the detective on the case tried to contact the nurse at the Hospital, but was unable to identify the nurse. The detective spoke with the ER administrator and no staff came forward to provide additional information. John Levendosky clarified that there were six total officers that responded. Officer One arrived at the hospital at 5:53 PM and encountered the individual in question, who will be referred to as Patient. Patient exhibited signs of anger, yelling, and cursing at hospital staff. John Levendosky noted that Officer One's radio did not have signal in the Emergency Room (ER) at the Hospital, with which he used to get the attention of other officers. Officer One deescalated the situation by giving verbal commands to Patient. Officer Two arrived on the scene. Patient wielded an oxygen tank, which prompted Officer One and Officer Two to draw their tasers. Officer One deescalated the situation by giving verbal commands to Patient. Patient set down the oxygen tank. Officer One handcuffed Patient as a precautionary measure.

John Levendosky noted that Officer One's de-escalatory techniques were in line with what he was educated in. Nurses at the Hospital told Officer One that multiple staff members were assaulted but did not provide any additional information. Officer One, Two, Three, and Four removed Patient to a less crowded area of the ER. The officers

attempted to put Patient in a stretcher but he was not compliant, resulting in the officers having to physically restrain Patient. Patient was charged with criminal mischief forth obstructing obstruction to and harassment to and the mental hygiene law 8 NYH-4. John Levendosky stated that the charges were filed once the ER staff gave the required information.

John Levendosky concurred with the OPS finding being exonerated for the charges of conduct standards. The OPS finding did not note poor behavior trends. John Levendosky stated that the officers successfully de-escalated the situation.

Chair Vives opened the floor to questions from board members.

Board Member Kevin Cannizzaro stated that he had watched the video of the scene and concurs with the findings of John Levendosky and the OPS.

Chair Vives noted the relief that she had felt with the de-escalatory techniques used by the officers. Chair Vives opened the floor to questions.

After review and deliberation of the investigation of your complaint, the CPRB has made the following findings as to the conduct of the specific officer involved:

- With regards to the 1 count of allegation of improper Call Handling, the CPRB reached a finding of **Exonerated**.
- With regards to the 1 count of allegation of improper Conduct Standards, the CPRB reached a finding of **Exonerated**.

John Levendosky raised a motion to approve his finding of exonerated. Motion seconded and passed unanimously, with none abstaining or opposing.

The CPRB and/or OPS may make a finding of Exonerated – where the acts which provide the basis for the complaint occurred, but the review shows that such acts were proper.

Chair Vives stated that the third case, CC2021-029, will be tabled and moved to next agenda for review. Chair Vives noted that there are no further cases for review.

#### **IV. SUBPONEA CONSIDERATION**

(N. Vives)

Chair Vives presented a Subpoena Ad Testification for complaint number CC2023-013 for approval, which is for an independent investigation. Chair Vives called on Martin Gleeson from T&M USA, LLC to discuss the request.

Martin Gleeson noted that it was a case that was assigned last year and concerned an allegation of sexual misconduct on the part of an individual. Martian Gleeson stated that they would like to interview the investigator and officer involved.

Chair Vives opened the floor to questions for Martin Gleeson regarding the subpoenas. Chair Vives moved to vote in favor of issuing the subpoenas for the officers in CC2023-013. The present members unanimously favored the motion, with none abstaining or opposing.

**V. CONSIDERATION OF COMPLAINT CLOSURE** (N. Vives)  
**WITHOUT REVIEW AND/OR WITHDRAWALS**

Chair Vives thanked Martin Gleeson and introduced CC2022-024, which is a complaint withdrawal. Chair Vives asked John Levendosky if the complaint had gone through an investigation.

Michele Andre replied that a copy was received from the police department and subsequently sent to the investigation committee. Chair Vives clarifies whether the complainant withdrew the complaint. Michele Andre responded by stating that the complainant wanted to withdraw the complaint.

Chair Vives asked John Levendosky whether he prefers to review the withdrawal of the complaint before the vote. John Levendosky affirmed the suggestion given by Chair Vives and stated that he will present it for the February meeting. Chair Vives stated that the Board will postpone the review of CC2022-024 until the investigations committee has time to properly review.

**VI. COMMITTEE REPORTS**

**PUBLIC OFFICIAL** (N. Vives)

Chair Vives thanked Michele Andre and John Levendosky and stated that she would get back to the Board with a report after holding a public official liaison committee meeting. Chair Vives introduced the topic of bylaws and rules, with which she turned over the topic to Antionette Santos.

**BYLAWS AND RULES** (A. Santos)

Antionette Santos stated that the Bylaws and Rules Committee did not meet in December, but will meet on January 17, 2024, to discuss the following topics: (1) the Chair of Investigations' subpoena powers; and (2) the removal of board members and police commissioners for absences and not completing their duties, such as case reviews. Antionette Santos noted that she will provide updates at the next meeting on February 8, 2024.

Chair Vives thanked Antionette Santos and introduced the next topic of the Investigations Committee. Chair Vives called on John Levendosky to share the report.

**INVESTIGATIONS** (J. Levendosky)

John Levendosky stated that the Investigations Committee has worked with the CPRB Standing Committee on bylaws and rules to make amendments. John Levendosky stated that the policy recommendations for the 2023 annual report have been forwarded by the Investigations Committee. John Levendosky stated that the Investigations Committee is currently working on amending the operations procedure to reflect local changes.

John Levendosky noted that on January 5, 2024, the Investigations Committee sent a letter to Chief Hawkins regarding questions and concerns about CC2021-013 and is waiting for Chief Hawkins' response. John Levendosky stated that the Investigations Committee is working with the OPS to make sure personnel have uniform and comprehensive access.

John Levendosky stated that the Investigations Committee received one complaint in 2024, which is awaiting OPS assignment. John Levendosky stated that 74 complaints under OPS investigation surpassed the 60-day mark, which is contrary to Albany Police Department (APD) General Orders.

Chair Vives thanked John Levendosky and introduced the next topic of the Police Department Liaison Committee, with which she handed the topic over to Vice Chair Veneilya Harden.

#### **POLICE DEPARTMENT LIAISON**

(Dr. V. Harden)

Vice Chair Harden stated that there is no report for the Police Department Liaison Committee. Vice Chair Harden provided the update that Commander Laiacona retired, so the meeting for the month of January was cancelled. Vice Chair Harden stated that with another meeting and collaboration with the OPS, she will provide more updates.

Chair Vives confirmed with Vice Chair Harden that Commander Laiacona has retired, and Lieutenant Decker will act as Interim Commander until someone is newly appointed.

#### **DISCIPLINARY MATRIX**

(N. Vives)

Chair Vives stated that she needed to make some edits to the Discipline Matrix following a meeting with the Chief and Deputy Chief.

Chair Vives stated that Michele Andre will discuss outreach opportunities from her Government Law Center (GLC) report.

Chair Vives asked Vice Chair Harden about her report from the Mediation Committee. Vice Chair Harden deferred to Michele Andre regarding her report and the most recent meeting.

Kevin Cannizzaro clarified that an OPS agent is required by law to attend the monthly meetings, but he has not seen one since August of 2023. Kevin Cannizzaro asked John Levendosky and Vice Chair Harden whether the Albany Police Department had provided a statement regarding their absence from the meetings.

Vice Chair Harden stated that the presence of the APD has not been consistent, however they have appeared since August of 2023. Vice Chair Harden emphasized Kevin Cannizzaro's point regarding APD's absence and reiterated the CPRB's need for representation. John Levendosky thanked Kevin Cannizzaro for highlighting the need for the APD's commitment and presence at the meetings.

Chair Vives stated that she has consulted the Chief and Mayor, along with everyone else in the Public Official Liaison Committee regarding this concern and will provide updates.

## **COMMUNITY OUTREACH**

(M. Andre)

Michele Andre stated that she is finalizing amendments to the Operation Procedures, which will be presented to the CPRB at the next meeting. Michele Andre reported that she is drafting the fourth-quarter report and the annual report for 2023. Michele Andre noted her attendance at Mediation program evaluation meeting with Albany CPRB & Philadelphia CPO.

## **MEDIATION**

(M. Andre)

Michele Andre stated that she is discussing partnering with Albany Law School's Diversity, Equity, and Inclusion (DEI) Office to tabling at the Craft Expo & Business Fair on Saturday, February 17, 2024, and a panel workshop on the State of Civilian Police Oversight with the NYC Civilian Complaint Review Board (CCRB). Michele Andre stated that the GLC intends to have a Warren Anderson Series workshop on the State of Police Oversight in New York, work on outreach, and plan more events for 2024. Michele Andre stated that she had no further updates.

## **OFFICE OF PROFESSIONAL STANDARDS**

No party was present to represent the Office of Professional Standards.

## **REPORT FROM THE CHAIR**

(N. Vives)

Chair Vives highlighted the CPRB's efforts to maintain its model as an independent city agency.

## **VII. NEW BUSINESS**

(N. Vives)

Chair Vives moved to approve the meeting minutes for the December 14, 2023, public monthly meeting. Motion seconded and passed unanimously.

#### **VIII. PUBLIC COMMENT**

Chair Vives opened the floor to public comments, with no comments made.

#### **IX. ADJOURNMENT**

There being no further business, the meeting was adjourned at 6:41 PM.