



80 NEW SCOTLAND AVENUE  
ALBANY, NEW YORK 12208-3494

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

## **\*\*PRESS RELEASE\*\***

### **FOR IMMEDIATE RELEASE**

Date: Friday, March 15, 2024

Contact: Michele Andre, CPRB Program Manager

(518) 445-2383 [cprb@albanylaw.edu](mailto:cprb@albanylaw.edu)

### **ALBANY COMMUNITY POLICE REVIEW BOARD'S INDEPENDENT INVESTIGATIONS REVEAL NUMEROUS POLICY VIOLATIONS BY THE ALBANY POLICE DEPARTMENT DURING THE SOUTH STATION ARCH STREET PROTEST**

**ALBANY, NY** – On Thursday, March 14, 2024, the Albany Community Police Review Board (CPRB) held its monthly public meeting, where it heard and voted on the findings of its independent investigation into the incidents that occurred during the South Station Arch Street protest from April 2021.

The CPRB's investigation revealed that on April 14, 2021, approximately 30–50 people marched in protest of the shooting and subsequent death of Daunte Wright during a traffic stop in Brooklyn Center, Minnesota. Starting in Townsend Park and moving through the city while police directed traffic, the march concluded at the Albany Police Department's (APD) South Station. A stand-off between police and protestors ensued while officers attempted to disperse the crowd. Some protestors remained in make-shift encampments until April 22, 2021, when APD officers in full riot gear forcibly removed protesters from the site, arrested 13 individuals, and dismantled the encampment. Those incidents on April 14 and April 22 became the subject of the four civilian complaints that the CPRB independently investigated.

The CPRB's independent investigation, conducted by T&M USA, the CPRB's contracted investigators, revealed numerous violations of APD policy. Examples of those substantiated allegations include:

- Some APD Officers displayed “Blue Lives Matter”/ “Thin Blue Line” paraphernalia on their polymer shields and uniforms. APD Supervisors failed to visibly inspect officers to ensure that uniforms and gear were within APD guidelines.

- A supervisor used excessive force in removing a megaphone from a female protester, lacerating her lip and chipping her teeth, and otherwise failed to de-escalate the situation with the protester.
- An APD officer released Oleoresin Capsicum (“OC”) spray in a manner that did not conform with the department’s use-of-force policy.
- 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 civilians requested to do so.

The Board voted unanimously to accept all but one of the T&M’s findings, except for the findings relating to Complaint No. CC2021-012. The Board tabled that complaint because new evidence relating to that specific complaint was made available at the meeting. Board members intend to review the information provided and revisit the vote at a later date.

To address these and other concerns, and as part of its charter-mandated responsibilities (**see Local Law J of 2020 passed March 1, 2021**), the Board unanimously approved several policy amendments to APD’s General Orders and policy changes responding to the investigative findings and concerns from these incidents at South Station. Those [policy changes and recommendations](#) address the timely completion of misconduct investigations, applying de-escalation tactics to avoid unnecessary use of force, proper use of body-worn cameras, completion of thorough after-action incident reviews, and a training recommendation related to the display of controversial imagery when engaging with members of the public.

After voting on the findings and policy changes, the Board requested the Chief provide a response within 60 days to the Board’s recommendations. Under Albany City Code § 42-343(C), the Chief must provide a detailed listing of which recommendations are and are not being implemented within 60 days. Chief Eric Hawkins, who was present throughout the Board meeting alongside Deputy Chief Anthony M. Battuello and Commander Melissa Morey, was provided access to the report ahead of the meeting.

Nairobi Vives, Chair of the CPRB, said, “This investigation demonstrates why Albany voters approved Local Law J: to promote transparency and to bring objective investigative findings into public view. We are dismayed to learn that our independent investigators — themselves former law enforcement officers and prosecutors — found that APD officers used excessive force, brandished divisive paraphernalia on their uniforms and gear, and improperly used OC spray against protesters. APD also failed to interview any of the complainants despite the independent investigators being able to do so. Although these were difficult and emotionally charged circumstances for all involved, APD must do better for the communities that they serve.”

Dr. Veneilya Harden, Vice Chair of the CPRB, said, “I want to thank the complainants and their families for attending and sharing their experiences, along with the community members that showed

up in person and via Zoom. This incident caused much pain in our community, and I - along with my peers on the Board - truly hope that we can work with the Chief and help heal from what has happened.”

The Board was also deeply concerned to hear from community members at the meeting that some of the complaints filed with APD had gone missing or were not included in the investigation materials.” Dr. Harden added, “We take these issues very seriously and will be working closely with Chief Hawkins and his team to figure out what happened. The ability to file a complaint and have it investigated fairly is paramount to building trust and accountability.

The Board also flagged a systemic issue in APD’s internal investigations. Despite the T&M finding and the CPRB voting in agreement on substantiated allegations of misconduct, no discipline can be imposed by APD because the one-year statute of limitations stipulated by the police union contract has expired. The CPRB has raised this concern before and in relation to several other cases during previous Board meetings.”

“This is a systemic problem in Albany, where civilian complaints are not investigated within the timeframe required,” said John Levendosky, a CPRB board member and former police officer. “That means that even where the available evidence shows that misconduct occurred, no discipline can be legally imposed because APD took too long to investigate the case. This was also noted by several community members during their public comment. Although I applaud APD for trying to improve on this front, much more needs to be done. We proposed a number of policy recommendations, and I hope that the department takes them to heart and works with us to improve their standards and practices as well as improve community relations.”

Chair Vives noted to those in attendance that the department's compliance with the subpoena issue is currently in litigation, and none of the parties present could or would comment on the matter.

A recording of the proceedings can be viewed on the Board’s website or by clicking: <https://www.albanycprb.org/board-meeting/video-recordings/>

The full copy of the report is available [here](#).

The policy recommendations can be viewed [here](#).

## **ABOUT THE CPRB**

The Albany **Community Police Review Board** (CPRB) is an independent oversight agency that reviews and investigates complaints of alleged misconduct committed by officers of the City of Albany Police Department (APD). The CPRB aims to improve communication between APD and community members and increase police accountability and credibility with the communities that APD serves. The CPRB accomplishes these goals through independent and impartial investigations, policy recommendations, and community outreach.

For more information and inquiries, please contact us at the provided phone number or email address, visit [www.albanycprb.org](http://www.albanycprb.org), and connect with the office on [Facebook](#).