



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

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

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

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

BOARD MEMBERS PRESENT:

CPRB Chair Nairobi Vives, Vice Chair Dr. Veneilya Harden, John Levendosky, Antionette Santos, Victor Person, Paul Collins-Hackett, Kevin Cannizzaro, and Matthew Ingram.

OTHERS PRESENT:

Deputy Director of the Government Law Center Patrick Woods, CPRB Program Manager Michele Andre, and Outside Counsel Mark S. Mishler.

II. AGENDA APPROVAL (N. Vives)

Chair Vives moved to approve the meeting agenda. Seconded and passed.

III. PUBLIC COMMENT

The first commenter recounted the events of their complaint which concerned an alleged assault at a Latin Festival, after which, he told a police officer who talked to the assailant and then arrested the commenter. The commenter was brought to the hospital, and once he realized he was without his phone and wallet, they went back to the park. The assailant was still there and threw a water bottle at the commenter who when he went to pick it up was then jumped by two security guards. When the commenter fell, they fractured two ribs and was then attacked by the assailant once more. According to the commenter, this resulted in 20 stitches, a fractured nose, nerve

damage, and required surgery on their knee and shoulder. The commenter discussed their history being an EMT and moving to the area and expressed their frustration with the lack of consequences.

The next commenter is the grandfather of a person involved in the April 22, 2021, South Station incident. The commenter discussed the disturbing and traumatic nature of their granddaughter's arrest. The commenter further discussed that they were a police officer, and the proper protocol was not followed.

The next commenter thanked T&M for the investigation they performed concerning the April 14 and 22, 2021, South Station incident. They further thanked the Board for their work in reviewing the case. The commenter then read some language from T&M's summary of findings concerning their use of OC spray and body cameras. They further commented on how OPS exonerated many of the allegations in that incident while T&M sustained them. The commenter then discussed OPS and APD and their reluctance to work with the Board and complainants. They then questioned why T&M gave APD the benefit of the doubt concerning officer's use of force and why APD can refuse to participate in investigations. They then discussed police brutality and how little has changed since the incident in Albany. The commenter concluded by discussing their daughter's case and that the video evidence shows that the use of force was unwarranted.

The final commenter discussed their experience at the April 22, 2021, South Station incident and how it has traumatized them. They talked about how their arrest was unjustified and the use of force did not make sense given they were not fighting back. The commenter explained that they felt their hair being pulled by other protesters trying to pull them away from the police and how their phone was taken. They concluded by stating that by sustaining this allegation, it could set a precedent in Albany.

IV. CASE UPDATE & REVIEW

CC2019-029

(M. Ingram)

The incident occurred September 23, 2019, around 12:30 AM. The complaint was received by OPS on September 26, 2019, and was received by the CPRB in the Summer of 2023. The reason for the delay was due to an ongoing criminal investigation as well as turnover within OPS.

Board Member Ingram reported that on September 23, 2019, officers responded to the complainant's address for a call-in-progress. The complainant raised several issues about rude and disrespectful conduct on the part of a detective, a supervisor, a sergeant, and a lieutenant, mostly related to the fact that the complainant's mother was elderly and bedridden in a back bedroom of the house. Several family members wanted police officers to allow them into the residence to check on her on a regular basis.

Board Member Ingram identified that there were some factual inconsistencies, but that they were inconsequential to the findings.

As to the complaint, Board Member Ingram explained that the complainant was allowed to be in the back bedroom with their mother but was asked to come out since the house was considered a crime scene. The officers continued to check on the mother and discovered her FaceTiming with another relative. About 20 minutes into the FaceTime call, several family members arrived at the scene and were upset that no one was with the mother. Eventually, the complainant and another family member were allowed to go back into the bedroom and sit with the mother. More family members arrived wanting to make sure someone is sitting with the mother and there was a brief argument at the front entrance on the subject.

Board Member Ingram reported that from the body worn camera (BWC) footage he reviewed, he did not see or hear any rudeness or disrespectful behavior. In fact, Board Member Ingram observed the officers going out of their way to go back and check on the mother to provide updates to the family, and a couple of the family members even complimented the officers for their behavior. However, the lieutenant's BWC was off and some of the officers were turning the mics off on their cameras making the conversations inaudible.

With regards to the allegation of conduct standards violations for rude and disrespectful behavior, OPS determined this allegation to be Unfounded. The monitor reviewed the same evidence and recommended a finding of Not Sustained due to lack of evidence.

Board Member Ingram agreed with the monitor as to the finding of Not Sustained for the allegation of Conduct Standards.

Board Member Ingram further agreed with the monitor regarding the allegation of rude language and physical altercation as Not Sustained since there was not enough evidence.

As to the allegation that the officers were not being attentive to the mother, Board Member agreed with OPS and the monitor's finding of Unfounded.

Finally, as to the lieutenant not using his BWC, in his interview, he stated that he was issued a BWC, but he was not wearing it, which is in violation of APD policy. When he asked whether the lieutenant was disciplined, Board Member Ingram was told that Lieutenant Young has retired in the last few months and so no actual discipline was carried out.

Additionally, Board Member Ingram noted that none of the detectives present were wearing BWCs, and when OPS Investigator Johnson was asked about this, he had thought that they had not been issued BWCs at this point. However, this incident occurred more than two years after the BWC policy had been issued. Further, there were other officers who turned off their mics while talking with members of the public. Finally, one of the officers was wearing a Blue Lives Matter wristband.

Board Member Ingram posed three questions to OPS Investigator Lieutenant Decker: (1) whether detectives are issued BWCS, (2) whether there's a policy on turning off the mics separate from wearing and activation BWCS, and (3) whether wearing political emblems like the Blue Lives Matter wristband is against uniform code.

Lieutenant Decker responded that: (1) BWCs were phased in with frontline officers receiving them first and Detectives were assigned them later and he was not sure whether at the time of the complaint detectives were being issued BWCS, (2) officers are allowed to mute their BWCs when communicating with the sergeant, but they are supposed to unmute them when they are back engaging with a community member, and (3) there were recent updates to the uniform policy and he would have to check on what was in the policy at the time of the incident.

Chair Vives asked Lieutenant Decker whether there are uniform inspections at the start of an officer's shift, specifically regarding the lieutenant who was not wearing a BWC. Lieutenant Decker explained that there is some kind of inspection at roll call but it is informal, and officers are generally responsible for their own equipment. He further explained that if an officer had a problem with their BWC, they could bring it to their supervisor and be reassigned one. In light of this, Board Member Ingram recommended a finding of Sustained as to the BWC infraction despite the lieutenant being retired.

The complainant was present but opted to wait to speak until the case is brought back to the table.

Board Member Ingram moved to table the discussion until he could get clarification on the three questions he presented to Lieutenant Decker could be answered by either Detective Johnson or OPS. Motion seconded and passed.

CC2021-012

(V. Harden)

Dr. Harden explained that this case is being revisited for the Use of Force Finding. The case was tabled so that Dr. Harden could review supplemental information.

Complainant alleged that police used excessive force when arresting her daughter on April 22, 2021, when APD pushed her daughter to the ground, dragged her by her legs, and refused to share her information with complainant/her parent. The only portion that was to be considered and voted on at this meeting was the excessive force claim.

Dr. Harden, after reviewing video that came from Albany Proper, an independent grassroots publisher, found the allegation to be sustained because from looking at APD procedures, officer interviews, and the video, procedures were not properly followed. Dr. Harden explained that there are factors APD has to determine the reasonableness for the totality of the circumstances which would allow use of force such as: the severity of the crime, whether the suspect was an immediate threat to safety, whether the suspect was actively resisting arrest or attempting to evade by flight. Dr. Harden determined that none of these factors weighed in favor of use of force in this case and therefore moved to sustain the allegation. Motion seconded, discussion occurred before the vote.

Board Member Santos asked Dr. Harden whether she was basing her finding on the new evidence, and whether that means T&M should be given time to review to review the findings and Board Member Levendosky asked T&M investigator Julie Schwartz to explain their finding of Not Sustained, especially in light of this new evidence.

Ms. Schwartz explained that T&M reviewed the daughter's Instagram posts, BWC footage, and information posted in the Times Union. Ms. Schwartz stated that T&M reviewed the new information, and their finding remains as Not Sustained. Ms. Schwartz also discussed OPS's finding of Exonerated which was based on their view that the daughter was not complying with a lawful order and her legs were grabbed in an attempt to lift her up and arrest her. She further stated that the way the officers acted that day was consistent with their training and after she was bumped to the ground, the struggle occurred because of other protesters attempting to pull her away. Therefore, T&M's determination was made on the basis of whether the initial bump/push was reasonable, and Ms. Schwartz noted that T&M likely would have exonerated had they been able to interview the officers involved.

Chair Vives asked whether APD policy allows knocking people to the ground to arrest them and asked T&M to explain how that is consistent with the plan Sergeant DiGuissepe described in his OPS interview about the plan to pull anyone resisting behind and second wave arrest any people that were resisting. Chair Vives explains that it seems what the complainant's daughter was doing would not interfere with that plan.

Ms. Schwartz stated that the plan is consistent with the training which instructs officers to walk in a line and move the crowd back which involves some pushing. She explained that the daughter fell as a result of some of the pushing, and at the point of the other protesters pulling her back, that constitutes resisting arrest and reasonable force can be used. Ms. Schwartz concluded that though this appears to be consistent with training, although nobody said that it was how they were trained, and so T&M could not find either way whether the force was excessive.

Board Member Levendosky clarified that the complainant's daughter fell to the ground after the officers started pushing with their shields.

Dr. Harden acknowledged that the Board may view things differently, but she explained that according to her reading of the policy, there was no reason for the complainant's daughter to be pushed to the ground and from her viewing of the videos, the fellow protester did not jump on her back but was instead trying to help her up at which time APD escalated the situation.

Ms. Schwartz clarified that T&M was not trying to minimize the situation and they were just attempting to analyze the situation objectively.

Board Member Collins-Hackett thanked Dr. Harden's and T&M's hard work but explained that he is more aligned with Dr. Harden's view of the situation.

Board Member Cannizzaro also thanks Dr. Harden and T&M. He noted his concern with the case and others due to APD's non-cooperation with the investigation and how the Board does not even know the identity of the officer who bumped the complainant's daughter. He further highlighted how there seems to be missing context in the videos due to what they were provided being edited and broken up. Board Member Cannizzaro stressed this point as an excessive force determination is extremely fact dependent, and he concluded that not having heard from the officers directly makes it difficult to make this determination. He concurred with T&M's findings.

Board Member Levendosky asked Ms. Schwartz whether not complying with a lawful order would warrant use of force under the current policy. Ms. Schwartz answered that T&M's position is that reasonable and necessary force may be used under the current use of force policy when a subject does not follow a lawful such as the one at issue.

Board Member Levendosky then asked if the situation were to happen now, under current APD policy, would it still be found to be permissible under the guise of policy and training. Ms. Schwartz answered that every situation is different, but a similar situation could happen again.

Board Member Collins-Hackett questioned the wording "reasonable and necessary" in the policy, and expressed concern that without officer helping the Board evaluate what those words mean, the line could be drawn anywhere as far as what is reasonable and necessary.

Board Member Cannizzaro added that although he agreed with T&M on the findings, he also agreed with Dr. Harden that the use of force policy needs to be re-examined and changed. However, he discussed the non-responsive nature of the higher-ups at APD as to the policy recommendations.

Chair Vives emphasized Board Member Collins-Hackett's sentiment that disagreement amongst the Board members is inevitable. Chair Vives explained that in watching the videos and in this discussion, she does not see the force as reasonable and necessary as it did not comply with the plan Sergeant DiGuseppe described and she was not inclined to give the officers the benefit of the doubt as to their training given the lack of commentary on that subject.

Vice Chair and Board Member Veneilya Harden put forth a motion to approve her finding of Sustained regarding one count of alleged improper Use of Force in case no. CC2021-012. The motion was seconded. Regrettably, the motion failed to garner a pass. The adoption of any action or motion required an affirmative vote of no fewer than five members, which was not achieved. Therefore, no finding regarding the allegation of Use of Force was made. The voting results are as follows: four members (Vives, Harden, Collins-Hackett, and Ingram) voted affirmatively, while three

members (Cannizzaro, Person, and Levendosky) voted negatively, and one member (Santos) chose to abstain.

Board Member Levendosky motioned to approve the remainder of T&M's findings into Complaint no. CC2021-012. The motion was seconded and passed.

After review and deliberation of the investigation of the complaint by the Office of Professional Standards (OPS) and T&M, the CPRB has made the following findings as to the conduct of the specific officers involved:

- With regards to 1 count of alleged improper Use of Force, OPS reached a finding of **Exonerated**.
- With regards to 1 count of alleged improper Conduct Standards, the CPRB reached a finding of **Sustained**.
- With regards to 1 count of alleged improper Conduct Standards, OPS reached a finding of **Sustained**.
- With regards to 1 count of alleged improper Conduct Standards, the CPRB reached a finding of **Sustained**.
- With regards to 1 count of alleged improper Conduct Standards, OPS reached a finding of **Exonerated**.
- With regards to 1 count of alleged improper Call Handling, the CPRB reached a finding of **Sustained**.
- With regards to 1 count of alleged improper Call Handling, OPS reached a finding of **Exonerated**.
- With regards to 1 count of alleged improper Evidence and Property Handling, the CPRB reached a finding of **Sustained**.
- With regards to 1 count of alleged improper Evidence and Property Handling, OPS reached a finding of **Sustained**.
- With regards to 1 count of alleged improper Conduct Standards, the CPRB reached a finding of **Sustained**.
- With regards to 1 count of alleged improper Conduct Standards, OPS reached a finding of **Sustained**.

CC2021-021

(V. Person)

Board Member Person reported that the complainant alleged that she received an unsatisfactory response when making a call for a hit and run at a grocery store parking lot. She make multiple calls and during one of them was told that there were more urgent matters that took precedent and an officer would respond when available. During the third call, she claimed to be told that the initial call was never received. Complainant expressed dissatisfaction with the extended response time.

Board Member Person concurred with OPS and recommended that dispatch undergo comprehensive training in call handling procedures to ensure accurate and timely responses to calls for service.

Board Member Person moved to approve a finding of ineffective Policy and Training, motion seconded and passes.

CC2021-029

(J. Levendosky and A. Santos)

Case review rescheduled to later board meeting at the request of the complainant.

CC2023-048

(J. Levendosky)

Board Member Levendosky explained that the case was discussed months ago but review of the case was tabled until the OPS final report was received. OPS found all counts sustained as to the conduct of the officer and Board Member Levendosky concurred.

Board Member Levendosky moved to make a finding of Sustained as to all counts in the case. Motion seconded and passed.

- With regards to 1 count of alleged improper Conduct Standards, the CPRB reached a finding of **Sustained**.
- With regards to 1 count of alleged improper Conduct Standards, OPS reached a finding of **Sustained**.
- With regards to 1 count of alleged improper Conduct Standards, the CPRB reached a finding of **Sustained**.
- With regards to 1 count of alleged improper Conduct Standards, OPS reached a finding of **Sustained**.
- With regards to 1 count of alleged improper Call Handling, the CPRB reached a finding of **Sustained**.
- With regards to 1 count of alleged improper Call Handling and Procedure, OPS reached a finding of **Sustained**.

CC2022-033

(A. Santos)

The complaint was received August 28, 2022, and was reported to the Board on February 26, 2024. OPS Detective Dixon was assigned to the case. The incident occurred August 27, 2022, from around 3:00 PM to 9:00 PM at Washington Park. The complaint contains two allegations of Call Handling.

Board Member Santos reported that the complainant alleged that APD officers did not appropriately respond to his call to APD requesting that an officer come to his home to allow him to lodge a citizen's complaint. Complainant further filed a supplemental complaint where he alleged that APD officer and several unidentified community members assaulted him. The onsite supervisor described the events of the day as follows: the complainant approached two people, Victims 1 and 2, standing by the stage and began harassing them and they told the complainant to leave them alone or they would call the police. Other event attendees reported that the complainant had a stun gun. The complainant was also observed attempting to reach over a barricade and grab at another person, Victim 3, who was a minor at the time. Victim 2 allegedly loudly called the complainant a predator and a pedophile. Victim 1 then punched the complainant in the head and event security responded by subduing the complainant on the ground until APD arrived. While on the ground, complainant was observed with an illegal stun gun. APD arrived and pat down the complainant during which they found a pocket knife. While being transported to the police stations, the complainant

can be heard on the BWC footage stating that he will be back. Complainant then admitted to trying to speak with Victim 3 and was later taken to Albany Medical Center at the complainant's request. Complainant was later arrested and issued a desk appearance ticket for criminal possession of a weapon. Complainant was then released and told not to return to the Latin Festival.

Complainant provided a slightly different account of events which is as follows: The complainant alleged that he was asked to retrieve water bottles from near the stage and while doing so, he was struck in the head by two unknown men.

After the incident, APD interviewed victim 1 who claimed that he and his family knew of the complainant and had allegedly been harassing victim 3, a minor, for several years. Additionally, victim 1 reported knowing complainant may be in attendance because the complainant allegedly threatened physical harm to victims 1, 2, and 3, over Facebook.

A second incident occurred about 2 hours after the initial incident. The complainant again tried to approach victim 1 and when he was denied access to the back of the stage, he began beating his chest and produced a pocketknife. Festival security and attendees tackled and subdued the complainant until APD arrived. When officers did arrive, the complainant was observed acting erratically on the ground. APD applied physical restraints and transported the complainant to Albany Med due to complainant's injuries and continued erratic behavior. The complainant was arrested for Menacing II and Menacing III.

Board Member Santos explained that complainant was injured prior to APD's involvement in both incidents. Board Member Santos further noted that APD used minimal force to gain compliance while placing the wrist restraints.

Both incidents produced substantial evidence including BWC footage, multiple IDCs, standard incident reports, and several interviews.

Regarding the allegation of Call Handling, complaint receipt procedures, there is no evidence that the complainant phoned APD requesting assistance in the filing of his complaint. Board Member Santos concurred with OPS's finding of Unfounded as to this count of call handling.

As to the second allegation of call handling, Board Member Santos agreed with OPS Detective Dixon's finding of Sustained due to there being multiple violations of the BWC policy. However, no disciplinary action is detailed in any of the involved officers' disciplinary file.

Board Member Levendosky clarified with Board Member Santos that the injuries the complainant sustained occurred prior to APD's involvement.

Dr. Harden asked whether the basis of the complaint is that complainant believed the festival security was a part of APD. Board Member Santos was not sure.

Chair Vives asked whether the non-use of BWCs by multiple officers impacted the investigation resulting in lost or missed information or if other cameras were rolling that made up for the deficit. Board Member Levendosky answered that there were 5 officers at the scene so there were 9 operating BWCs. Board Member Santos added that the responding Detective Sergeant did not have his BWC on despite being in charge of the second incident.

Chair Vives also clarified with Lieutenant Decker that the BWC violations were not in the officers' disciplinary record as these disciplinary actions is generally not entered until after the Board has reviewed the case. Board Member Santos followed up, asking why APD has to wait to place these violations in the disciplinary record if the Board does not dictate discipline. Lieutenant Decker chalked the situation up to a data entry issue. Dr. Harden noted her confusion with the situation as well and pointed out that the allegation was sustained by OPS prior to the Board receiving the case for review, and asked Board Member Santos how long ago did OPS review the case before it was handed over to the Board. OPS's summary was given to the Board on February 26, 2024.

Chair Vives asked Lieutenant Decker when the Board should request to review the files after the investigation has been completed. Lieutenant Decker reiterated that the delay in data entry is likely why the violation is not on the officers' records, and that shortly after the Board makes its decision, the records should be updated.

Chair Vives requested that Board Member Santos and Detective Dixon/Lieutenant Decker to let the Board know when the violation is added to the officers' records.

Board Member Cannizzaro asked Lieutenant Decker whether there is a process for OPS alerting senior staff when there are repeated violations, especially BWC violations. Lieutenant Decker answered that repeat offenders are subject to progressive discipline. Board Member clarified that his question is asking what is being done on a policy level since Cannizzaro has seen rookie officers and seasoned officers commit the same violations time and again. Lieutenant Decker answered that these types of violations are noted in OPS's reports to administration for policy related questions. Board Member Cannizzaro clarified again, asking what OPS has done on a policy level to address what seems to be an inability of officers to follow BWC policy. Lieutenant Decker responded that policy comes out of administration, not OPS.

Board Member Levendosky followed up asking if there is anything OPS can do to help officers follow department policy to which Lieutenant Decker directed him to administration for policy related questions.

The complainant requested time to speak.

The complainant called the investigation and BWC violations a coverup, and explained that he was a board member for the Latin Festival which is why he was there. They added that during the first incident, there was no security or APD present. The complainant explained that he carried a taser for protection and addressed the “predator” comments, stating that the only connection was that his girlfriend at the time and the minor had the same name. The complainant discussed the second incident and insisted they did not do anything to cause the festival security to jump him. The complainant also discussed his issues with filing a complaint and the lack of help from the police. The complainant concluded insisting that there is more to the incident than the BWC footage and written reports.

Chair Vives asked Detective Dixon whether there was additional footage captured by other community members? Detective Dixon stated that all the witnesses reported the same store as all the victims. She also clarified that she attempted to interview the complainant but he was uncooperative, and when he did cooperate, he explained his side. Chair Vives asked whether there were any other witnesses or sources of information that came from this interview, and Detective Dixon said there were none.

The complainant requested to speak again.

The complainant explained he had two tickets he received that day from an APD officer and was handcuffed and brought to the hospital by the same officer. They claimed that the police already had a presence at the festival and did not need to be called. The complainant further alleged that the witnesses were friends with one of the Victims and if a proper investigation was done, the truth would be revealed.

Board Member Santos moved to accept OPS’s findings and close the case. Motion seconded and passed.

After review and deliberation of the investigation of the complaint by the Office of Professional Standards (OPS), the CPRB has made the following findings as to the conduct of the specific officers involved:

- With regards to 1 count of alleged improper Use of Force, the CPRB reached a finding of **Exonerate**.
- With regards to 1 count of alleged improper Use of Force, OPS reached a finding of **Exonerate**.
- With regards to 1 count of alleged improper General Call Handling and Procedure, the CPRB reached a finding of **Sustained**.
- With regards to 1 count of alleged improper General Call Handling and Procedure, OPS reached a finding of **Sustained**.

V. PUBLIC COMMENT

The commenter stated that this case shows the need for investigators that understand the situation from all aspects, not just the policing aspect. They criticized the investigators’ connections to policing and lack of investigators of color or those who

have been involved in civil disobedience before. They also explained their problem with the characterization of their daughter's experience as a fall and again criticized the investigators' conclusion that the use of force was reasonable and necessary.

The final commenter also criticized T&M and suggested the Board fire them. They further suggested that T&M was paid by the police to do the report and that the video evidence clearly showed that his daughter did not fall. They criticized the Board's perceived tendency to give police the benefit of the doubt

VI. EXECUTIVE SESSION

Chair Vives moved to move into executive session in order to discuss pending litigation. Motion seconded and passed.

VII. CASE UPDATE & REVIEW

CC2022-053

(J. Levendosky)

Board Member Levendosky reported that OPS recommended this portion of the investigation be closed as Exonerated and he concurred.

Board Member Levendosky made a motion to concur with OPS's finding. Motion seconded and passed.

After review and deliberation of the investigation of the complaint by the Office of Professional Standards (OPS), the CPRB has made the following findings as to the conduct of the specific officers involved:

- With regards to 1 count of alleged improper Call Handling, the CPRB reached a finding of **Exonerated**.
- With regards to 1 count of alleged improper Call Handling, OPS reached a finding of **Exonerated**.

VIII. CONSIDERATION OF COMPLAINT CLOSURE

(N. Vives)

Chair Vives reported that three complaints will be closed without review due to these being out of jurisdiction.

IX. COMMITTEE REPORTS

BYLAWS AND RULES

(A. Santos)

Board Member Santos reported that the committee is discussing adding a conflicts of interest policy in the bylaws and the discussions are particularly focusing on the necessity of board member recusal based on involvement in cases brought before the CPRB. The goal of this is to ensure that evaluations and reviews are impartial, objective, fair, and equitable, especially given the Board's reviews can lead to investigatory and disciplinary outcomes, subject to legal appeals and judicial scrutiny.

The next committee meeting is April 25th.

COMMUNITY OUTREACH

(P. Collins-Hackett)

Board Member Collins-Hackett reported that Program Manager Andre has shared a calendar of tabling events and that the committee is currently working on a mural project with the help of Board Member Santos and the South End Children's Café.

Additionally, there are some events where Board members are going to speak to some children at schools. Radio interviews are also upcoming with those who are supportive of the Board's goals.

DISCIPLINE MATRIX

(N. Vives)

These updates were discussed under New Business.

INVESTIGATION

(J. Levendosky)

Board Member Levendosky reported that the committee is presenting policy recommendations pertaining to several APD general orders which were up for consideration at the meeting. Specifically, the recommendations focused on APD General Orders 2.4.05 – Office of Professional Standards: Complaint Procedures, 4.2.10 – Record Systems, 3.2.15 – Body Worn Cameras, and 2.2.20 – Disciplinary Procedures. Additionally, the committee is collaborating with APD to refine and clarify the complaint withdrawal form to enhance public understanding and transparency around complaint withdrawals. The committee has drafted a letter detailing these recommendations.

The committee is also initiating a survey among APD officers to gather feedback on the mediation program with the goal of ensuring mediation and all police community interactions serves the intended purpose.

Current complaint status is as follows: there are 56 active complaints under OPS investigation, 13 complaints under OPS supervision review, 7 cases are awaiting detective assignment and OPS case numbers, and 1 complaint is suspended due to civil proceedings. The one complaint that is suspended due to civil proceeding is CC2018-025.

Out of the 70 active complaints assigned to detectives, 67 have exceeded the mandated completion time of 60 days as per APD General Order 2.4.05. Further, 48 out of the 70 complaints have surpassed 365 days which means formal discipline is now not available in those cases.

OPS concluded its investigation into 9 complaints during the first quarter of 2024, and in the same time period, the Board reviewed and made findings in 7 complaints.

As of April 11, 2024, there are 4 active independent investigations involving use of force and failure to investigate. The complaint numbers for these are: CC2022-002 (officer involved shooting on January 24, 2022), CPRB No. 9956 (Officer Involved shooting on June 20, 2022), incident no. AD2023-02 (allegations of use of force at a public park against a minor on May 30, 2023), and CC2023-013 (alleged failure to investigate allegations of child sexual assault and related conduct standards).

POLICE DEPARTMENT LIAISON and MEDIATION

(V. Harden)

Dr. Harden reported that the committee met on the week of April 8, 2024. Board Members Levendosky and Santos as well as OPS were in attendance, and Board Member Santos has brought some recommendations to OPS.

Dr. Harden reported that APD has a new commander, Melissa Morrie, whom the Board had met the week prior. It is unclear whether her role will be the same, but the Board was able to discuss their goals and things they would like to see moving forward. OPS was also provided the survey questions and the Board requested they be provided to officers. Program Manager Andre forwarded the survey to the Lieutenant who has stated that he will return some feedback.

Dr. Harden recommended that the Board also bring in a mediator from police practitioners to educate both the Board and the public on the mediation process and when it is appropriate for complaints.

PUBLIC OFFICIAL LIAISON

(N. Vives and J. Levendosky)

Chair Vives requested Board Member Levendosky attend in her absence and provide a report. Board Member Levendosky reported that the Mayor's office has yet to appoint a replacement for Rev. Collier, and it has been almost 6 months since his tenure had run. Also at the meeting, they discussed that the common council and mayor have yet to meet in regard to incorporating the Board into the city, and the Board needs to make sure that the Common Council is working on that.

GOVERNMENT LAW CENTER

(M. Andre)

Program Manager Andre reported that she submitted the Relocation and Transition Plan which outlines some important aspects of keeping independence and staffing. Board Member Levendosky had suggested that any requests that the Board wants in this transition should be in writing and public for, among other things, transparency purposes. Additionally, this plan will be shared with the working group which will meet internally before making the plan and requests public.

Program Manager Andre explained that as of now, Albany Law School fronts the money for the Board and the city pays the Board back on a quarterly basis, but if the Board were a city agency, the Board would handle its own finances and have access to

internal accounting. She further explained that the Board would be able to hire more full-time staff such as investigators.

Chair Vives clarified that there will be a designated working group to address transitional questions and logistics.

Program Manager Andre forwarded to the Board the First Quarterly Report, the policy recommendations from the investigations committee which will be sent to Chief Hawkins, and the response to the Chief's recommendations regarding the Disciplinary Matrix for approval.

Program Manager Andre highlighted a collaboration presentation from last month with the New York City CCRB, the Rochester PAB, and Assemblymember Cruz at the SOMOS Conference in Albany. Program Manager Andre further recommended Board members participate in trainings, and shared that she completed a Practitioner of Oversight certification with NACOLE.

Other upcoming events include Senior Law Day at the law school, two parades – the African Heritage Parade and the Pride Parade, and Take Back the Night.

X. APPROVAL OF MEETING MINUTES

Chair Vives moved to approve the meeting minutes from the regular meetings on February 8, 2024, and March 14, 2024. Motion seconded and passed.

XI. NEW BUSINESS

Chair Vives moved to approve the First Quarterly Report. Motion seconded and passed.

Chair Vives moved to approve the CPRB Standing Committee on Investigation's Policy and Practice Recommendations Dated April 12, 2024. Motion seconded and passed.

Chair Vives mentioned the letter to Chief Hawkins regarding the Discipline Matrix, the Relocation and Transition Plan, and the introduction of Local Law D which is the proposal to transition the Board from the Administrative Agency to the City government.

Chair Vives concluded that she does plan to attend the Common Council meeting on April 15 when Local Law D is to be introduced.

XII. ADJOURNMENT

There being so further business, the meeting was adjourned at 9:26 pm.