



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

## NOTICE OF PUBLIC MONTHLY MEETING AGENDA

Thursday, April 11, 2024 - 6:00 PM

**Meeting Location:** West Wing Classroom (W212) of Albany Law School's 1928 Building  
80 New Scotland Avenue, Albany, NY 12208 ([Parking Lot Entrance on Holland Ave.](#)).

**Meeting Information if Participating via [Online Zoom](#):**

**Meeting ID # 812 8068 0884 Passcode: 880330**

**BOARD MEMBERS:** Chair Nairobi Vives, Vice Chair Veneilya Harden, Secretary Paul Collins-Hackett, Matthew Ingram, Antoinette Santos, Kevin Cannizzaro, Reverend Dr. Victor L. Collier, John Levendosky, and Victor Person.

The Albany Community Police Review Board (CPRB) is an independent, all-community-led oversight board. The mission of the CPRB is to review and investigate complaints of alleged misconduct committed by officers of the City of Albany Police Department (APD). The CPRB aims to improve communication between the Albany Police Department and community members. The CPRB also works to 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.

The CPRB holds a working meeting open to the public on the **second Thursday of every month**. CPRB's monthly meetings provide a platform for community members to learn more about the Board's scope and priorities. Board members also use the meetings to review complaints, ask questions, and share concerns about police-community relations in Albany neighborhoods. Speaking at Board Meetings is open to all.

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|---|---------------------------|
| <b>I. CALL TO ORDER &amp; ROLL CALL</b>   | <b>(N. Vives)</b>         |
| <b>II. APPROVAL OF APRIL 11, 2024 AGENDA</b>  | <b>(N. Vives)</b>         |
| <b>III. PUBLIC COMMENT</b>  | <b>(N. Vives)</b>         |
| <b>IV. CASE UPDATE</b>  |                           |
| A. CC2021-021   | V. Person                 |
| The Complainant alleged that she made several calls to 911, and was she was told that are more pressing issues have come up and officer would get to her when they can. During a third call, she alleged that she was told that they never got her first call. The complainant also complaint about the extended response time for call of service.   |                           |
| B. CC2021-029   | J. Levendosky & A. Santos |
| The Complainant alleged that, during his arraignment in Albany City Court, a Detective made false statements in regards to the paperwork and court documents filed against him. The Complainant stated that this ultimately affected his case and subsequently impacted the Judge's decision during his arraignment. The Complainant stated that a Detective did not properly investigate his situation and that he has video evidence of misconduct by a Detective obtained from discovery. The Complainant stated that he was falsely arrested and charged for a crime he did not commit. |                           |
| C. CC2021-012   | V. Harden                 |

Complainant alleged force on April 22, and refusal to share information with a parent about a child's whereabouts, and failed to properly secure her daughter's property.

- D. CC2023-048 J. Levendosky  
The Complainant alleged on October 1, 2023 at approximately 12 noon, an officer came to her home and forcefully pushed on her front doors and threatened to arrest her for refusing to speak with him in regard to a matter in which her next door neighbor summons the police.

**V. CASE REVIEW**

- A. CC2019-029 M. Ingram  
The Complainant alleged several members of the Albany Police Department were rude and not sensitive and sympathetic of the complainant's sick mother. The complainant also alleged that a family member left standing outside in her underpants for several hours. The complainant further alleged that she was pushed by Detective Heid and Sgt. Dolan.
- B. CC2022-033 A. Santos  
The complainant alleges that he was assaulted by the Albany Police Department (APD) while attending the Latin Festival in Washington Park, along with other festival-goers.

**II. EXECUTIVE SESSION (Not Open to the Public) (N. Vives)**

**III. REPORT FROM EXECUTIVE SESSION (N. Vives)**

**VI. CASE REVIEW**

- C. CC2022-053 A. Santos  
The Complainant alleged that his late girlfriend had transferred ownership of her vehicle to him. However, the daughter of the deceased girlfriend, reported the vehicle as stolen. The complainant further alleges that his vehicle was never removed from the stolen vehicle list.

**IV. PUBLIC COMMENT (N. Vives)**

**V. CONSIDERATION OF COMPLAINT CLOSURE**

- A. Complaint Received February 7, 2024 - Complaint Out of Jurisdiction  
B. Complaint Received February 14, 2024 - Complaint Out of Jurisdiction  
C. Complaint Received March 7, 2024 - Complaint Out of Jurisdiction

**VI. REPORTS**

- A. CPRB Standing Committee Reports  
i. Bylaws and Rules (A. Santos)  
ii. Community Outreach (P. Collins-Hackett)  
iii. Discipline Matrix (N. Vives)  
iv. Investigation (J. Levendosky)  
v. Mediation (V. Collier & V. Harden)  
vi. Police Department Liaison (V. Harden)  
vii. Public Official Liaison (N. Vives)
- B. Report from the Corporation Counsel  
C. Report from the Office of Professional Standards  
D. Report from the Government Law Center (P. Woods & M. Andre)  
E. Report from the Chair (N. Vives)

**VII. APPROVAL OF MEETING MINUTES (N. Vives)**

- A. Approval of [Minutes from Regular Meeting on February 8, 2024](#)  
B. Approval of [Minutes from Regular Meeting on March 14, 2024](#)

**VIII. NEW BUSINESS (N. Vives)**

- A. Approval of [2024 1<sup>st</sup> Quarterly Report](#)  
B. Approval of [CPRB Standing Committee on Investigation Policy and Practice Recommendations dated April 12, 2024](#)  
C. [CPRB Response to the Chief Regarding APD Discipline Matrix](#)  
D. [CPRB Administrative Agency Relocation and Transition Plan](#)  
E. Introduction of [Local Law D of 2024 Scheduled for Monday, April 15, 2024 Albany Common Council Regular Meeting](#)

**IX. BOARD MEMBER COMMENTS**

**X. ADJOURNMENT (N. Vives)**

**Public Comment** is an opportunity for members of the public to address the Community Police Review Board on matters under their jurisdiction. Public comment is limited to three (3) minutes per person out of courtesy to all community members who wish to speak. If you would like to submit written comment on an upcoming agenda item, please fill out the public comment form [here](#) on website at or email [cprb@albanylaw.edu](mailto:cprb@albanylaw.edu).

**Accommodations:** CPRB provides accommodations upon request to persons with disabilities and individuals who are limited English proficient who wish to address CPRB Board/Committee matters. A request must be made within 48 hours in advance of a Board or Committee meeting, depending on the service requested. Please contact the CPRB's Office by phone at (518) 445-2383 for information.



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

*February 8, 2024, at 6:00 p.m.  
Albany Law School, Room W212*

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**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, and Matthew Ingram (virtually).

Kevin Cannizzaro, Paul Collins-Hackett, and Rev. Dr. Victor Collier were excused from attendance.

**OTHERS PRESENT:**

CPRB Program Manager Michele Andre, Former Board Member Larry Becker, OPS Detective Keith Johnson, and Detective Lieutenant Decker.

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

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

**III. PUBLIC COMMENT**

Members of the public were present, but none offered any public comment.

**IV. CASE REVIEW AND UPDATE**

**CC2023-048 (J. Levendosky)**

Board Member Levendosky reported that the complaint was received October 6, 2023, and Detective Dixon was assigned the case. The allegations were one count of Call Handling and two counts of Conduct Standards violations.

The claimant alleged that on October 1, 2023, at 11:51AM, an officer came to her home and forcefully pulled on her door and threatened to arrest her for refusing to speak on a matter regarding her neighbors who called the police.

Board Member Levendosky stated that officers were called to the residence on that date due to alleged harassment by a neighbor. When the target officer arrived, he spoke to the caller who alleged that the neighbor was yelling at construction workers and kicked over a water bottle on her lawn. These actions were recorded on the Body Worn Camera (BWC) and corroborated by the officer's interview with OPS. The target officer then went to the complainant who opened her front door but not the storm door. Complainant refused to open the storm door and the officer then threatened the complainant with arrest for harassment and obstruction, all of which was corroborated by the BWC footage and the target officer's interview.

Board Member Levendosky noted that harassment and obstruction, under New York law, were violations not misdemeanors and were therefore not subject to arrest. According to Board Member Levendosky from the BWC, the complainant's action did not warrant threat of either violation.

The officer then physically tried to open the door and complainant held it closed and asked the officer not to open the door. The officer claimed that he did not stop because he did not hear her objections, but the complainant can be heard on the BWC refusing entry. The two struggled back and forth, the officer eventually gained entry, and the complainant was questioned.

Board Member Levendosky concurs with the OPS findings of Sustained as to both counts of Conduct Standards violations concerning the door confrontation and the threat of arrest. Levendosky further concurs with OPS finding of Sustained as to Call Handling and ineffective policy or training. Further training is recommended and Levendosky further raised concerns over the officer's readiness for duty given several recent complaints which were sustained by the department.

Board Member Santos asked about the officer's prior discipline which Board Member Levendosky clarified. The officer had been on the job for about two years and has had multiple recent infractions. Board Member Ingram further inquired about details on the prior disciplinary infractions. Levendosky clarified that the officer had prior issues with public interaction and call handling procedures.

Board Member Levendosky moved to table the case until he receives and reviews the final confidential report for the case. Case is tabled.

**CC2021-018**

**(A. Santos)**

Board Member Santos reported that the complaint was filed June 15, 2021, and was initially assigned to Det. Eaton on June 22, 2021, but was then reassigned to Det. Shane on August 17, 2022. The incident occurred April 21, 2021, at 11:40AM at 7 Sand Street in Albany. The complaint named four parties, Officer 1, Officer 2, Sergeant, and a pedestrian. The allegations were Call Handling.

Board Member Santos explained that the complainant submitted several photos with their complaint showing vehicular damage to his vehicle and pedestrian's vehicle. The incident began with a 911 call by the pedestrian claiming that someone who owes him money just hit his car and drove off. BWC footage shows the complainant and pedestrian both saying the other party was at fault and the complainant requesting a report detailing the damages. BWC footage also showed the complainant affirming that he did hit the pedestrian on the arm while attempting to flee the area because he felt his safety was in jeopardy.

The three-page motor vehicle incident report was completed by Office 1 but only reported the injuries sustained by the pedestrian and did not include the vehicular damage of either the complainant or the pedestrian.

Officer 1 was hired in 2020, and none of the infractions cited in his disciplinary history are relevant to this complaint. Officer 2 was hired June 18, 2020, and similarly had no relevant infractions within his disciplinary history. Finally, the Sergeant's date of hire was January 22, 2004, and also had no relevant disciplinary history.

OPS found, as to the allegation of Call Handling, No Finding. Board Member Santos concurred with this finding. However, she noted that the investigator assigned stated that the report was written as it was explained in the BWC footage about a conflicts between the complainant and the pedestrian, but Board Member Santos found this illogical since the complainant was complaining about damages to his vehicle which is not even mentioned in the report.

Board Member Santos further found that procedurally, APD's finding was appropriate since Officers 1 and 2 both resigned within a year of OPS receiving the complaint (88 days and 216 days respectively), but further found that if the officers had been interviewed in a timely fashion, there may have been an alternative finding.

Board Member Santos moved to close the complaint based on the findings below. 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 the allegation of improper Call Handling, the CPRB and OPS reached a finding of **No Finding**.

#### **CC2021-021**

**(V. Person)**

Board Member Person reported that the complaint was received September 2021 and was assigned to Det. Keith Johnson. The complaint identified the telecommunications specialist and occurred on April 13, 2021, at the Westgate Plaza in Albany. The allegation of Call Handling.

The complaint regarded a hit-and run accident that occurred in the Price Copper Parking lot. The complainant was in the store at the time of the incident, and when she returned to her car, she noticed the damage and called 911. She was told an officer would be dispatched but one never arrived. The complainant then called APD directly

and was told that they were dealing with more pressing issues and would attend to her case when they could. The complainant made a third call to the APD, but they denied ever receiving the previous calls. As of 1:33PM, no officer had arrived, and the complainant stated that the store manager could confirm this.

OPS determined that the Telecommunications Specialist accidentally canceled the initial call for service and claimed that the call was handed over to the parking enforcement department. OPS recommended ineffective policy or training as the finding for the Call Handling allegation.

Board Member Person noted that there are unanswered questions as to how the specialist was trained in transferring and prioritizing calls, and whether the policy is ineffective for him to conduct his duties. Board Member Person further questioned whether the specialist was trained to inform callers that there were more pressing issues and they would get back to them as soon as possible. OPS, however, did not address these statements made to the complainant in their report.

Board Member Santos asked, and Board Member Person clarified that the specialist did not recall any details of that date. Board Member Levendosky then asked about the timing between when the incident occurred and when it was investigated. Person answered that it occurred on April 13, 2021, and was investigated September 13, 2021. Santos then asked whether dispatchers have to submit IDCs when they are under investigation from OPS. Det. Johnson confirmed that dispatchers submit IDCs as well.

Chair Vives asked to clarify the findings; OPS found that there was ineffective policy or training while Board Member Person is saying Not Sustained. Det. Johnson explained that this was because there is a note on the call ticket that said it was turned over to parking authority and so he did not want to say Not Sustained because even though the dispatcher doesn't remember the incident, it's clear that he did type something about turning it over to the parking authority and with additional training to the dispatcher, it will hopefully ensure there will not be anything like this in the future.

Chair Vives further clarified with Det. Johnson that turning the case over to the parking authority was the wrong procedure, and that an officer was actually dispatched to the scene and arrived around 1:30PM. Det. Johnson further stated that there was no recording of the second call, and by the time the second call was made, there were in fact higher priority calls that in need of response. However, by the third call, there was an officer response put into the system.

In response to the new information, Board Member Person amended his finding to conform with Det. Johnson's.

Finally, Board Member Ingram asked Det. Johnson why the recording of the second call would be missing and why there is no log of a call happening, and then just a general overview how the calls are logged. Det. Johnson responded that they do not know why the second call was not logged or recorded, and Lieutenant Decker attempted to clarify the content of the calls, but no progress was made as to the initial question about the second call.

Because there was confusion as to call logs and why the second call was not recorded, Board Member Person moved to table the case until this issue is addressed.

**CC2021-029**

**(J. Levendosky/P. Collins-Hackett)**

Due to Board Member Collins-Hackett's absence, Board Member Levendosky opted to read the OPS findings for this case so that the complainant, who was present, could make comments. The complaint involved one count of Conduct Standards, one count of Call Handling, and two counts of Arrest Authority and Procedure.

Complaint stated that on June 14, 2021, at his arraignment at Albany City Court, the detective made a false statement in regards to the paperwork and the court documents filed against him which he alleged ultimately affected his case and the ultimate decision of the judge. Complainant alleged that the detective failed to investigate his situation correctly, and that he has video evidence of misconduct by the detective that was obtained during discovery. Claimant ultimately concluded that he was falsely arrested and charged with a crime he never committed.

Board Member Levendosky reported OPS's preliminary findings as follows. The count of Call Handling be closed as Unfounded, as the complainant alleged that he was never offered medical treatment for a cut on his hand, but BWC footage showed that he was offered care and did not respond. The count of Conduct standards be closed as Unfounded because though the complainant alleged he had video evidence of the detective's misconduct, he did not state that this video evidence existed in his phone interview with OPS and body worn camera and interview room footage did not show any misconduct. Both counts of Arrest Authority and Procedure be closed as Unfounded, first because the evidence shows that detective followed correct arrest procedures when making the arrest, and second, because during the arraignment, the Detective was not present, and the ADA did not raise any concerns about falsified statements or documents.

The complainant was present and opted to make a statement. He noted that the case was dismissed without prejudice, but he still sees the allegations around on google and in the newspaper despite the case being dismissed. He concluded that his character is being defamed because the allegations are still being discussed.

The case was tabled for a future date.

**CC2021-013**

**(A. Santos)**

Board Member Santos reported that the incident occurred on March 3, 2021, and was reported to the Board on April 6, 2023. The detectives assigned to this case were Detectives Eaton and Shane. Julie Schwartz was assigned to this case as a monitor. The case involved two counts of Call Handling (No finding and Unfounded)

Board Member Santos stated the background of the case: that a plain-clothes police officers failed to yield the right of way and a plain-clothes detective in an unmarked vehicle failed to identify himself. The allegations of false statements and arrogant behavior were reported in the vehicle incident report, and the original complaint was



forwarded to the city, but lacked mention of the officer potentially being under the influence. Lack of space was cited as the reason for its exclusion.

After the monitor's report was received, the investigations unit requested a meeting with Det. Lt. Mark Decker and Investigator Hilary Burns which occurred on January 24, 2024. Board Member Santos highlighted first that Lt. Decker stated that there were no substantive discrepancies between the report and the paperwork responses that were supplied to the Board which was a concern noted by the monitor. Lt. Decker clarified at the meeting that the reason there seemed to be discrepancies was because the Board did not receive all of the paperwork due to the way it was uploaded into the system.

Board Member Santos further highlighted that the APD incident report dated March 8, 2021, was authored by one officer but then pages one through three were signed by an officer and a supervisor, and pages four through eight were signed by a separate officer and another supervisor. None of the specified officers or supervisors participated in responding to the accident. Lt. Decker explained at the meeting that those officers and supervisors were from the traffic safety unit but did not indicate this when they signed the paperwork. Board Member Levendosky clarified that it was assigned to patrol officers with reconstruction training, but this was discernable from the report.

Board Members Santos and Levendosky suggested that in the future, if someone from the traffic safety unit was reviewing a report, that they put a designation like TSU after their name to help reviewers in the future.

Next, Board Member Santos noted that the detective involved in the accident was in fact on duty at the time of the accident. APD has no policy which says whether an officer, on or off duty, must identify themselves.

Finally, as to the BWC issues, it was revealed that one of the responding investigators was a part of the Criminal Response Unit, the responding detective decided to turn his BWC off to protect the investigator's identity as he was on a detached assignment. However, Board Member Santos noted that the BWC policy in the General Order does not indicate this as a reason to turn off a BWC in a vehicular accident. Board Member Santos indicated that G.O. 2.2.00, G.O. 2.4.05, and G.O. 3.2.05 may be the subject of suggested revisions in light of this case.

As to the first count of Call Handling, Board Member Santos concurred with the monitor's finding of No Finding. As to the second count of Call Handling, Board Member Santos concurred with the monitor's finding of Unfounded. As to the count of Vehicle Operations, Board Member Santos concurred with the monitor's finding of No Finding. As to the count of Failure to Identify, Board Member Santos concurred with the monitor's finding of No Finding.

Board Member Santos moved to close the complaint based on the findings below. 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 the first allegation of improper Call Handling, the CPRB and OPS reached a finding of **No Finding**
- With regards to the second allegation of improper Call Handling, the CPRB and OPS reached a finding of **Unfounded**
- With regards to the allegation of Vehicle Operations, the CPRB reached a finding of **No Finding**
- With regards to the allegation of Failure to Identify, the CPRB reached a finding of **No Finding**

**V. CONSIDERATION OF COMPLAINT CLOSURE (A. Santos)**  
**WITHOUT REVIEW AND WITHDRAWALS**

Board Member Levendosky reported on CC 2022-024 which was withdrawn. The complaint involved an independent journalist who is alleged to have been kicked out of city hall. The complaint was withdrawn in December and no reason was stated but there was no indication of distress with regards to withdrawing.

**VI. COMMITTEE REPORTS**

**PUBLIC OFFICIAL LIAISON (N. Vives)**

Chair Vives reported the committee did not in January but a meeting is schedule for February 27, 2024, and the committee generally meets on the fourth Tuesday of every month. A report will be provided at the March meeting.

**DISCIPLINARY MATRIX WORKING GROUP (N. Vives)**

Chair Vives noted that there are still a few corrections she needs to make before it will be sent over to the consulting team. Chair Vives reported that she spoke to the Deputy Chief to apologize for the delay and the changes will be forthcoming.

**INVESTIGATIONS (J. Levendosky)**

Board Member Levendosky reported that the committee is working to finalize the report on the South Station independent investigation as well as developing policy recommendations that will come out of the 2023 case review. They believe that the proposed amendments to bylaws and rules will reflect their expectations for all Board members.

Board Member Levendosky further reported that they are in contact with the Deputy Chief to advocate for transparency in the Chief's quarterly reports to the Board. The committee is looking towards discussing hiring and training approaches for a full time investigator as the Board moves towards greater incorporation into the city structure.

Finally, Board Member Levendosky announced that several Board members will be visiting APD academy section 11 to provide education to new recruits on the Board's role with the hopes that it promotes the Board's mission and values.

So far, 6 complaints have been received in 2024, there are 81 active complaints awaiting resolution by APD. Of the 81 complaints, 13 are within OPS awaiting

supervisor review, 61 are actively under OPS investigation, and 7 are awaiting detective assignment and OPS case numbers.

## **BYLAWS AND RULES**

(A. Santos)

Board Member Santos reported that the committee is making a motion to propose an amendment to Article 11 Rules of Procedure, Section 1 which will reflect the Board's authority to vote on removal of members and ability to perform duties related to the Board such as case review. The amendment would help address the backlog of cases as well as the 55% increase in complaints by making sure new members are contributing to the primary function of the Board.

## **POLICE DEPARTMENT LIAISON**

(Dr. V. Harden)

Dr. Harden reported that though the committee did meet, there was no OPS representation to truly convene a meeting. Though Board Members Levendosky and Santos were in attendance, many of the agenda items required the presence of OPS.

Dr. Harden asked Lt. Decker whether he would be present at the next committee meeting. He stated that he will be. Dr. Harden requested prior notice when he would not be able to attend.

## **COMMUNITY OUTREACH**

(N. Vives filling in for P. Collins-Hackett)

Chair Vives elected to skip this report, but expressed her gratitude for Board members being available to attend these community outreach events.

## **MEDIATION**

(Dr. V. Harden filling in for Rev. Dr. V. Collier)

Dr. Harden did not have a report for this month, but she did have a follow-up tied to the Police Liaison Committee regarding a proposed survey in partnership with OPS to understand the barriers to mediation. Dr. Harden stated that she hopes to discuss this before the March meeting.

## **OFFICE OF PROFESSIONAL STANDARDS**

(Lt. Decker)

Lieutenant Decker stated that there are no updates.

## **GOVERNMENT LAW CENTER**

(M. Andre)

Program Manager Andre reported that she has shared the 2023 Report of Independent Expert Invoice incurred as well as the 2023 Summary Contract Expense and the 2024 Summary Expense so far. Additionally, the 2023 budget has been closed, and the fourth quarter for 2023 has been submitted to the city for reimbursement.

Program Manager Andre submitted the 2023 Fourth Quarter Report and the 2023 Annual Report for approval. Operating Procedures and Bylaws and Rules amendments were additionally submitted for approval.

As to outreach opportunities, the Government Law Center at Albany Law School invited the Board to the first program of the Warren Anderson legislative series which is going to focus on the state police oversight in New York, and one of the experts is Chair Vives. The Board will also be tabling at the Black, Puerto Rican, Hispanic, and Asian Legislatures Craft Expo and Business Fair on Saturday February 17. Program Manager Andre noted that though there are some volunteers, more are welcome to join.

Program Manager Andre reported that in honor of Black History Month, she was invited to participate in the Philadelphia Citizen Police Oversight Commission's Black Her-story and Law Enforcement Oversight Panel on February 20, 2024, and Board members are welcome to attend.

The Board will be working with the New York City CCRB and Assembly Member Cruz's office on a workshop on police civilian oversight on March 9, 2024, in Albany. Program Manager Andre further reported discussions she has had with the Schenectady CCRB as well as the Center for Law and Justice to explore future partnerships.

Lastly, there is a report writing and case presentation training schedule for March 2, 2024, with the Board's consultants.

#### **REPORT FROM THE CHAIR**

(N. Vives)

Chair Vives highlighted the Warren Anderson legislative series session and encouraged everyone to attend this one as well as others coming up. Chair Vives additionally congratulated Program Manager Andre on her being a panelist with the Philadelphia Board and encouraged Board members to attend that as well.

Chair Vives thanked the Board for their hard work, especially in light of the case load and other hurdles coming up this year.

Chair Vives asked former member Larry Becker to speak, and he shared his appreciation and the shift that came with the passage of Local Law J.

#### **VII. NEW BUSINESS**

(N. Vives)

Chair Vives moved to approve the 2023 Fourth Quarterly Report and the 2023 Annual Report. Motion seconded and passed unanimously.

Chair Vives moved to approve amendments to the Operating Procedures. Motion seconded and passed unanimously.

Chair Vives moved to approve the amendments to the Bylaws and Rules. Motion seconded and passed unanimously.

Chair Vives moved to approve the minutes from the January 11 public monthly meeting. Motion seconded and passed.

#### **VIII. ADJOURNMENT**

There being so further business, the meeting was adjourned at 7:23 p.m.



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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  
MEETING MINUTES**

*March 14, 2024, at 6:00 p.m.  
Albany Law School, Room W212*

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

CPRB Chair Nairobi Vives called the meeting to order at 6:20 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:**

CPRB Program Manager Michele Andre, GLC Deputy Director Patrick Woods, T&M Investigator Julie Schwartz, T&M Deputy General Counsel Martin Gleeson, T&M Investigator James Liander, T&M Investigator Patrick Keane, Chief of Police Eric Hawkins, and Deputy Chief Anthony Battuello.

**X. T&M INVESTIGATION PRESENTATION (J. Schwartz)**

Julie Schwartz led the presentation summary of T&M's investigation report.

Ms. Schwartz began by introducing herself and her team: Martin Gleeson, Deputy General Counsel of T&M; James Liander; and Patrick Keane.

The presentation began by describing the Arch Street protect which started April 14, 2021, at Townsend Park and ended at APD South Station which was to protest Daunte Wright. When the protesters arrived, APD officers confronted the protesters asking them to leave and then returned to the station. The protesters then began banging on the doors and one protester broke the front door. The protesters refused to leave, the officers eventually used OC spray (pepper spray) against the protesters. One of the protesters had a megaphone which Lt. Devin Anderson pulled from a protester's hand and which caused lacerations on the protesters lip and chipped their tooth. After the confrontation, some protesters built an encampment outside of South Station with heaters and tents.

APD officers reported to Chief Hawkins that Lt. Anderson's address was exposed online (doxed) and his family was being threatened. Because of this, Chief Hawkins allowed officers to cover their names but not their badge numbers.

On April 22, 2021, Lt. Josiah Jones was sent to speak with a protester in charge and when no one responded, he instructed protesters via megaphone to clear out and leave within 15 minutes or they would be arrested. When none of them left, APD officers raided the encampment and arrested those who failed to comply with their order to leave. In doing this, some APD officers covered their names and/or badge numbers and failed to provide this information when asked.

It was further reported that some APD officers carried polymer shields and other areas on their person. There were images provided by T&M to support this allegation.

The Board received four complaints.

The Office of Professional Standards (OPS) investigated this incident and produced two reports. As to the incidents on April 22, 2021, OPS sustained that the APD officers did cover their names and or badge numbers as per Chief Hawkins's directive, and arrestee's property was not safeguarded but it was partially the arrestee's fault for not following the APD's order to leave the area. OPS found that the April 14 allegation of excessive force were unfounded and exonerated that APD dragged a female protester by her legs while arresting her. OPS further found that the April 22 allegations of covering their badge numbers and use of the thin blue line insignia was unfounded.

T&M conducted their own independent research. T&M found that the alleged use of force in removing the megaphone from the female protester was sustained. T&M further sustained the covering of badge numbers on April 22, display of thin blue line insignia and paraphernalia, failed to safeguard an arrestee's property, and failure to provide names and/or badge numbers. T&M could not sustain the allegations of covering their name/badge number on April 14, use of unreasonable force on April 14 for using the spray and removal from the ramp, and further could not sustain the use of unreasonable force on April 22 when taking down the encampment. T&M further found that Lt. Jones failed to use his Body Worn Camera (BWC), Chief Hawkins directive on removing names but not badge numbers was not clearly conveyed, APD officers failed to follow APD guidelines for use of OC spray, failed to confirm that APD officers were doxed, failed to investigate allegations of doxing, failed to follow their own Operational Orders regarding takedown of the encampment, failed to visibly inspect APD officers prior to the takedown of the encampment to ensure they were within Uniform Guidelines. T&M also found that there was no post-operative review and prepare an After-Action Report, failed to acknowledge that thin blue line insignias can harm public trust, and failed to properly and timely investigate the Civilian Complaints.

## **XI. PUBLIC COMMENT**

One of the complainants prepared a statement. The complainant expressed frustration on the use of OC spray, use of excessive force, and general uncooperative nature of the Albany police and the police officers involved. The complainant recounted viewing the

videos of their daughter's assault and their difficulty in trying to find their daughter after their daughter's arrest. The complainant further highlighted how APD took their daughter's phone and lied to them about their daughter's whereabouts after the arrest. The complainant noted that they initially discouraged their daughter and other protesters not to report their complaints. The complainant called for Chief Hawkins to be fired and ended with the sentiment that APD believes that they are above the law.

Another complainant on Zoom asked whether Devin Anderson still works for APD and asserted unrelated misconduct other allegations against Devin Anderson.

Chief Hawkins confirmed that Devin Anderson still works for APD.

Another complainant on Zoom and noted that they did not suffer injuries from April 14 or April 22, but made statements on the investigation and their frustration that Devin Anderson is still employed despite other allegations and issues with him. The complainant ended by calling for Devin Anderson to be fired.

A complainant spoke on their experience being arrested and searched. The complainant recounted that they were having an asthma attack and asked for a female officer. The complainant noted that they waited a long time for a female officer and when one did arrive, she cut off the complainant's binder. The complainant commented on their experiences of transphobia with APD. The complainant further stated that the report by T&M was not thorough and there were things that were not investigated and should have been.

Another complainant recounted their experience at Arch Street. They noted their experiences of uses of force including a dislocated shoulder. They also noted their night in Schenectady jail for use of chalk. The complainant discussed their problems and disgust with APD and their continuing injury. The complainant expressed their frustration with the lack of information and the lack of a proper investigation. The complainant ended their comment by expressing their hatred for the APD and wish for accountability.

A final complainant discussed their assault on April 14, 2021, and brought the megaphone with which they were hit in the face. The complainant described their trauma from April 14, including therapy and their fear of leaving the house after the assault. The complainant further describes losing their therapist and directly addressed Chief Hawkins and their disgust with his handling of the situation. The complainant also passed around the megaphone and demanded that Chief Hawkins hold it, which he refused to do. The complainant played a voicemail from their mother which they received while the encampment was being taken down which expressed her worry for her daughter, the complainant. The complainant also discussed her continued experiences with the APD and how she feels targeted by APD and was also doxed after the South Station confrontation. The complainant called for Chief Hawkins and Devin Anderson to be fired.

Publications Editor and Community Events Organizer Chel Miller read a public comment submitted by email. The commenter noted their experience at South Station included the encampment raid on April 22. The commenter further noted the use of the Thin Blue Line insignia and the lack of badge numbers and names.

One of the complainants reiterated their frustration with the mishandling of complaints by APD and how only four complaints made their way into the investigation. The complainant further noted their frustration with the investigation process and that while this is a step in the right direction, the existence of the police and the continued employment of Devin Anderson are symptoms of a continued lack of accountability. The complainant ended by shouting out the other protesters and the lack of protection for black trans people in Albany and across the country.

Another one of the complainants reiterated that multiple complaints were submitted and yet were not reported to the CPRB or investigated. The complainant rebutted the claim that the encampment was in the way.

The next complainant expressed their anger with what happened April 14 and April 22, and how their complaint did not make it to review. They talked about how they suffer from PTSD and how the events at Arch Street compounded this PTSD. They recounted seeing Blue Lives Matter masks on and the officers' disregard for the protesters. The complainant then addressed Chief Hawkins' actions and his choice not to fire or suspend Devin Anderson.

The daughter of one of the complainants spoke, first on the proposed recommendations which were in connection to their arrest, and further discussed their non-violence. They then expressed that the recommendations are not followed, and it is only a change on paper. Finally, they discussed how they were distraught with this situation, and they want Chief Hawkins to be fired.

A public commenter started by noting the irony of "protect and serve." He then discussed some failings of the APD: refusal to comply with a subpoena, failure to use their BWCs, displaying Blue Lives Matter insignias, and use of expired pepper spray.

One of the complainants added to their public comment, questioning how OPS found no use of excessive and if so, why was there a trigger warning before the videos were shown at the meeting. The complainant additionally questioned the lack of some video evidence. The complainant emphasized their continuing trauma as a result of the events of April 22. The complainant further explained the property damage and destruction they experienced.

A public commenter started by noting that none of one of the complainant's resulting trauma was her fault. This commenter was present at Arch Street and discussed what he described and unfathomable and disgusting. The commenter noted that he lost all trust in the police force and does not want the children he teaches to distrust the police, but that reality says otherwise. The commenter ended by questioning what the police are trying to hide.

The next public commenter noted the uncooperative actions of the APD officers and recounted violence from a member of the public during the march preceding the confrontation on April 14, and how she was screaming violent things and an APD sergeant did nothing. The commenter reiterated the frustration with APD and the handling of this investigation.



The next public commenter applauded the protesters and his own case against APD which was dismissed with prejudice. The commenter stated that he experienced similar issues with his case that the protesters experienced and that APD officers refused to show up to testify in his own case which led to its dismissal.

The next public commenter recounted a prior issue with Chief Hawkins in 2020 at a separate protest. The commenter then discussed things that were not involved in the report including a New York state anti-terrorism task force which erected a fence after the protesters set up their encampment, the loss of complaints. They further claimed that the attack was planned. The commenter noted that when the encampment was raided, the protesters were hosting a food and clothing drive. The commenter further discussed their experience on April 14 and their frustrations with the investigation process, not being interviewed, and the charges initially brought against the protesters. The commenter then discussed that their young children were present at some point during the occupation of the encampment and questioned what would have happened to them were they there on either the 14th or 22nd. The commenter referenced the comments made comparing the protesters to the January 6th insurrection. The commenter discussed bringing litigation and the lack of public conversation or apology.

The next commenter, a member of the Common Council of the City of Albany Derek Johnson, talked about his experience during the protest and how if he conducted himself the way the officers conducted themselves, he would have been fired. He discussed his disappointment and objection with the use of tear gas. He noted the troubled history of APD and that he advocated for a conversation between the protesters and APD. The commenter discussed his personal experience with family and police violence and the city's inability to regulate tear gas and chest cams. He further lamented the issue of there continuing to be no findings despite the evidence. The commenter also noted the increased militancy of the APD under Chief Hawkins's leadership and frustration with not being heard by Chief Hawkins. He ended by stating that nothing has gotten better, and he will continue to speak up and show up until something changes for the better.

The next public commenter spoke in support of the protesters and reiterated the issues with Lt. Devin Anderson. The commenter raised an issue with APD's failure to honor the subpoenas by the CPRB. The commenter called for the dismantlement of police as an institution.

The next commenter stated that he lived around the corner from the police station and that they thought APD's presence at the meeting is not in good faith. They discussed the lack of police accountability and though they like to think that people act in good faith, APD should not be afforded that grace. The concluded by stating that they do not have faith in the institution.

## **XII. CASE REVIEW & PRESENTATION**

### **CC2021-010**

**(J. Levendosky)**

The complaint alleged that the officers removed and obstructed nametags or badges, officers used excessive force, and officers wore Blue Lives Matter/Thin Blue Line insignias on their riot gear on April 22, 2021. The allegations are conduct standards and use of force.

With regards to 1 count of alleged improper Conduct Standards of removing APD identification that occurred on April 14, 2021, T&M reached a finding of **Not Sustained**.

With regards to 1 count of alleged improper Conduct Standards of removing APD identification that occurred on April 22, 2021, T&M reached a finding of **Sustained**.

With regards to 1 count of alleged improper Use of Force that occurred on April 22, 2021, T&M reached a finding of **Not Sustained**.

With regards to 1 count of alleged improper Conduct Standards of APD officers displaying “Thin Blue Line” insignia on uniforms and equipment, T&M reached a finding of **Sustained**.

Board Member Cannizaro asked APD what APD intends to do to address Thin Blue Line/Blue Lives Matter insignias.

Chief Hawkins stated that it was addressed before the investigation and report was done.

Cannizaro followed up noting that OPS did not follow up with any independent civilian witnesses, and the corroborating evidence came well after OPS’s report. He expressed concern that the action Chief Hawkins took was without the evidence that is available now. He asked if Chief Hawkins could address why this issue will not be revisited.

Chief Hawkins reiterated that the appropriate corrective action has been taken. Cannizaro asked what the appropriate corrective action is. Chief Hawkins stated that it has been made very clear what uniform standards are.

Batman stated that the goal is to increase trust and transparency in the community, and the short and dismissive comments from Chief Hawkins does not help this goal. He noted that there does not seem to be a good faith effort by Chief Hawkins to work with the CPRB.

Cannizaro followed up stating that there have been comments by certain supervisory officers during the OPS investigation that they do not personally have an issue with officers wearing Thin Blue Line/Blue Lives Matter insignias but that they understand it could create issues. He asked whether Chief Hawkins was concerned that supervisors are at odds with his statement that wearing these symbols is improper.

Chief Hawkins restated that the appropriate corrective action has been taken.

Cannizaro commented that it is troubling that there will no further review of the Blue Lives Matter/Thin Blue Line issues, and to have no action in the face of corroborating evidence is troubling. Chief Hawkins stated that there was no inaction. Cannizaro disagreed that there was action because OPS recommended no discipline.

Board Member Person addressed Chief Hawkins and expressed hope that the Board can continue working with APD, but right now there may be no right answer. He stated the need for Chief Hawkins to work with the Board.

Board Member Levendosky moved to accept the findings of T&M, 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 Conduct Standards, the CPRB reached a finding of **Not Sustained**
- With regards to 1 count of alleged improper Conduct Standards, OPS reached a finding of **Not 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 Use of Force, the CPRB reached a finding of **Not Sustained**
- With regards to 1 count of alleged improper Use of Force, OPS reached a finding of **Unfounded**
- 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 **Unfounded**

**CC2021-011**

**(J. Levendosky)**

The complaint alleged that the officers removed nametags and/or badges on April 14, 2021, and April 22, 2021, the Blue Lives Matter insignia was present on April 22, 2021, and excessive force was used on April 22, 2021. Allegations were two conducts standards violation and one use of force violation.

With regards to 1 count of alleged improper Conduct Standards of removing APD identification, T&M reached a finding of **Sustained**.

With regards to 1 count of alleged improper Conduct Standards of APD officers failing to provide their names or badge numbers, T&M reached a finding of **Sustained**.

With regards to 1 count of alleged improper Use of Force, T&M reached a finding of **Not Sustained**.

Board Member Cannizzaro asked Chief Hawkins and Deputy Chief Battuello about the length of time OPS took to investigate this case, and what has been done and will be done on a supervisory level to work on this time issue. Battuello noted that the investigations had been too long and not up to standard, and they will work on the timing in the future.

Cannizzaro asked whether not following general orders would result in any kind of disciplinary action because it does not seem like there is any discipline for not completing the report within 60 days. Battuello stated that normally there is disciplinary action taken when general orders are not followed, and hoped OPS would impose discipline if these orders are not being followed. Battuello added that it was most likely due to prior staffing issues and they hope there is the proper staffing and leadership in place now at OPS.

Board Member Levendosky asked what prompted APD to investigate the Arch Street incident as just the incident itself and not the individual complaints. Battuello answered that typically they are separated and while he was not a part of that decision to only investigate the incident but assured that now there would be a separate individual administrative investigation.

Board Member Santos asked why complainants were not interviewed. Battuello stated that he did not know the details but was briefed that the detectives leading the cases made attempted to reach out to all the complainants for interviews.

Board Member Cannizzaro commented that in his conversations with OPS and throughout the time on the Board, it is not OPS's practice to go above and beyond and seek out witnesses in the civilian populace to investigate these complaints and stated that this does not comport with his understanding of proper investigative techniques. He noted that much of the evidence from this case came from the Board's independent investigation which included witness interviews which would not have been found with just the OPS report, and that there needs to be a policy change on this point. He then asked whether there is intent to address this issue.

Chief Hawkins says this has all been assessed, and any corrections or adjustments that need to be made will be made.

Chair Vives asked about the alleged missing complaints and whether this point has been investigated or will be investigated by APD/OPS. Deputy Chief Battuello stated that he planned to follow-up. Chair Vives responded that difficulty with filing complaints has been an issue since she joined the Board and though the complaint process has changed, it deserved attention. Battuello agreed.

Board Member Levendosky moved to accept the findings of T&M, 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 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 Conduct Standards, the CPRB reached a finding of **Sustained**
- With regards to 1 count of alleged improper Conduct Standards, OPS reached a finding of **Unfounded**

- With regards to 1 count of alleged improper Use of Force, the CPRB reached a finding of **Not Sustained**
- With regards to 1 count of alleged improper Use of Force, OPS reached a finding of **Unfounded**

**CC2021-012**

**(J. Levendosky)**

Complainant alleged the police officer used excessive force and failed to safeguard personal property when arresting her daughter on April 22, 2021. The allegations are Use of Force, Conduct Standards, Call Handling, and improper Evidence and Property Handling. After review and deliberation of the investigation of the complaint by the Office of Professional Standards (OPS) and T&M, Board Member Levendosky made a motion to table the findings as to the conduct of the specific officers involved after review of new evidence which was seconded and passed - Board Member Levendosky abstain from vote.

With regards to 1 count of alleged improper Excessive Force, T&M reached a finding of **Not Sustained**.

With regards to 1 count of alleged improper Conduct Standards of APD officers failing to provide their names or badge numbers, T&M reached a finding of **Sustained**.

With regards to 1 count of alleged improper Call Handling, T&M reached a finding of **Sustained**.

With regards to 1 count of alleged improper Evidence and Property Handling, T&M reached a finding of **Sustained**.

T&M's additional findings related to CC2021-012:

With regards to 1 count of alleged improper Conduct Standards of removing APD identification, as directed by Commander Joseph McDade, T&M reached a finding of **Sustained**.

With regards to 1 count of alleged improper Conduct Standards involving the failure to wear a body-worn camera by Lieutenant Josiah Jones, T&M reached a finding of **Sustained**.

Board Member Cannizzaro asked what is being done to address what he described as rampant misuse of BWCs since in his experience there have been multiple cases of officers not turning their cameras on or not leaving them on for the whole encounter.

Chief Hawkins disputed the characterization of "rampant misuse" and that violations have been addressed and appropriate corrective actions has been taken.

Cannizzarro clarified that the use of the term "rampant" is from his own experience with being on the Board. Chief Hawkins responded that there has been BWC violations that did not originate with complaints and when there were violations, they were dealt with.

Board Member Levendosky moved to accept the findings of T&M. Not seconded. Board Member Collins-Hackett moved to table this case until additional evidence can be reviewed, seconded and passed. Board Member Levendosky abstained.

**CC2021-020**

**(J. Levendosky)**

The complainant alleged experiencing excessive force on April 14, 2021. The allegations are Use of Force.

With regards to 1 count of alleged improper Use of Force, on April 14, 2021, by Lieutenant Devin Anderson towards a person known to APD, T&M reached a finding of **Sustained**.

With regards to 1 count of alleged improper Use of Force, on April 14, 2021, T&M reached a finding of **Unfounded**.

With regards to 1 count of alleged improper Use of Force, on April 14, 2021, T&M reached a finding of **Not Sustained**.

Board Member Cannizzaro commented that one of the reasons the excessive force claim is unfounded is because there are still issues with APD officers refusing to appear and participate in statutorily authorized interviews. Much of the investigation requires knowing what an officer perceived and believed, and without compliance with the provisions of Local Law J, a use of force determination cannot be made. Cannizzaro explained that this decreases community trust, and he hoped that APD complies with these interviews.

Board Member Levendosky moved to accept the findings of T&M, 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, the CPRB reached a finding of **Sustained**
- With regards to 1 count of alleged improper Use of Force, OPS reached a finding of **Unfounded**
- With regards to 1 count of alleged improper Use of Force, the CPRB reached a finding of **Unfounded**
- With regards to 1 count of alleged improper Use of Force, OPS reached a finding of **Unfounded**
- With regards to 1 count of alleged improper Use of Force, the CPRB reached a finding of **Not Sustained**
- With regards to 1 count of alleged improper Use of Force, OPS reached a finding of **Unfounded**

Board Member Levendosky moved to accept the additional findings of T&M, which 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 the allegations that APD officer(s) were “doxed,” **CPRB did not find any evidence that any officer(s) were “doxed.”**
- With regards to the allegation that APD failed to monitor activity at the encampment from April 14, 2021, through April 22, 2021, **CPRB did find that because of a lack of intelligence, APD was unprepared to remove the encampment on April 22, 2021.**
- On April 14, 2021, Sergeant Anthony DiGiuseppe released OC Spray and failed to follow APD Guidelines.
- On April 14, 2021, a “Blue Lives Matter”/ “Thin Blue Line” flag was observed hanging in South Station.
- After April 14, 2021, APD failed to investigate or refer for investigation allegations that APD officers were threatened on-line and/or “doxed.”
- After April 14, 2021, APD ordered that officers could cover or remove their name tags after claims of officers being “doxed.”
- From April 14, 2021, through April 22, 2021, APD failed to monitor the protesters’ activities at the South Station encampment.
- On April 22, 2021, APD failed to follow their own operational order regarding the takedown of the encampment.
- On April 22, 2021, APD Supervisors failed to visibly inspect officers to ensure that their uniforms and equipment met APD Guidelines.
- On April 22, 2021, APD failed to follow APD General Orders Uniform Guidelines regarding badge and name placement on uniforms.
- On April 22, 2021, APD did not have a thorough plan for processing and charging arrestees.
- After April 22, 2021, APD failed to conduct a post-operative review and After-Action Report of the takedown of the encampment.
- APD failed to understand that officers displaying “Blue Lives Matter”/ “Thin Blue Lives” paraphernalia on uniforms and equipment undermined the protesters’ trust.
- APD investigated the individual cases separately from the OPS Confidential Report and failed to conduct a thorough and timely investigation.

### **XIII. POLICY AND PRACTICE RECOMMENDATIONS**

**(J. Levendosky)**

Board Member Levendosky reported that the Board found there were substantiated allegations of misconduct, but no discipline could be imposed by the APD because of the one-year statute of limitations stipulated by the Police Union contract. To address this, the CPRB proposed that several policy changes and amendments to APD’s general orders are made to address timely completion of misconduct reviews, applying de-escalation to avoid unnecessary use of force, proper use of BWCs, completion of thorough After-Action incident reviews, and a training recommendation in relation to the display of controversial imagery when engaging with members of the public. reported substantiated allegations of misconduct but because of the timeliness issues with OPS reports, discipline could not be imposed.

Board Member Cannizzaro asked Chief Hawkins how, in light of this new evidence only derived through independent investigation, there is not trigger a whole new set of policy discussions at the supervisory level. Specifically, Cannizzaro noted the sentiment by the Chief that there would be no further investigation.

Chief Hawkins answered that they are in a constant state of making adjustments, and they will not disregard any recommendations made by the Board.

Board Member Levendosky noted that the APD report was dated April 2023, and there were many things that were either not addressed or the way they were address was insubstantial in a way that would not facilitate the change sought. He noted that the policy recommendations are given with the hope that there can be something built from a traumatic experience. He further stated that the recommendations were made from looking at current policy and finding things that could be improved and trust could be built based off of the complaints at issue.

Chief Hawkins stated that he does not need a report when adjustments need to be made, and any time there is an incident, it is immediately assessed, and adjustments are made immediately. He noted that recommendations will be implemented in addition to the prior adjustments that were made. Chief Hawkins said they will review the recommendations, and there may be changes that have already been implemented without formal policy change.

Chair Vives emphasized that a lot of the Board's work is done outside of the meetings and they are constantly discussing public trust and what the Board's duty is to bridge the gap. She highlighted that meetings like this one are where the public trust is made and when adjustments are not in writing, the policy is not adjusted. If there is no writing to fall back on and hold APD accountable to it, there is no adjustment. Chair Vives further acknowledged the high emotions but stated that the things being shouted out are misinformation in a meeting where the community is supposed to be coming to together to talk about this very real event that happened.

Chair Vives then addressed Chief Hawkins and how she will continue to show respect and show up and do the work, but Chief Hawkins also needs to respect the process and she can't have the answer just be that they have made the adjustments when they're not in the general orders.

Chief Hawkins responded that the Chief does not have to wait to make adjustments and they do not have to be in writing when they are made. He said that he does not have to wait until recommendations are given. He then emphasized that APD will listen and digest the recommendations from the Board on this incident. Finally, he said that when things are happening, he makes adjustments immediately and then waits for formal internal or external recommendations to be made.

Chair Vives addressed Chief Hawkins noting that this is part of the process and they have to appreciate what the community has gone through and echoed the sentiments that the community deserves better. She thanked him for taking the time to clarify his answer, but that she hopes he responds in that way going forward. She further emphasized that there needs to be more cooperation and respect, including complying with subpoenas and respecting the independent investigators and their time. Chair



Vives summarized that what is needed by the Board and the community is an honest conversation and an authentic connection which helps rebuild trust.

Chief Hawkins responded to Chair Vives stating that he knew the meeting would be intense, but his purpose for being there was to acknowledge, hear, and digest the report from the independent investigators and the public comments. He does not know what else he could say publicly that he hasn't already said but is still present in the spirit of cooperation.

Board Member Cannizarro added that the recommendations are generally non-controversial and are part of best practices recommended by the Department of Justice. He further asked whether Chief Hawkins can commit to getting back to the Board within 60 days of receiving the recommendations report with his plans on what they will do with the recommendations.

Chief Hawkins did know if they could commit to that time period but assured that they will review the recommendations and report back.

Chair Vives confirmed that these discussions will continue to happen within the public official liaison committee and continue to report back to the Board and members of the community.

#### **XIV. PUBLIC COMMENT**

The commenter asked why the officers do not show up to subpoenas and that the same actions are an arrestable offense for regular citizens. They stated that the Chief is avoiding the questions asked by the Board and not being respectful. They further stated questioned the Chief's stated sense of urgency and why the investigation took so long.

The commenter commended the Board's patience and understood why the communication from the Board was an issue. They noted that their main remark is that they see the intention and vision of the Board, but they do not see the point past the intention. Specifically, they recounted the activism involved in passing Local Law J, but the Board still cannot get compliance with subpoenas. However, the commenter does not believe that Chief Hawkins can change in the necessary ways.

They ended by asking how they are able to trust the people on the CPRB when the people the Board is supposed to be holding accountable can be held accountable.

The next commenter stated their belief that any emotion shown and any word not perfectly calculated will be used to further villainize South End residents as well as minority residents of Albany. They then stated that Chief Hawkins is a figurehead of the greater military industrial complex and that APD and Chief Hawkins will use the statements and expressions of the people in the room during the meeting against them. They further confronted Chief Hawkins and their disgust with the way he has led and continues to lead APD as well as the lack of clarity on what adjustments he has made. The commenter reiterated a sentiment from the last commenter on the Board's inability to do the work they were charged with. The commenter compared Chief Hawkins to the NYPD and lack of humanity in their values. Next, the commenter discussed a lack of change in the community and the police that they have seen. They then discussed

their own experiences with being doxed and attacked online. They ended with the hope that Chief Hawkins resigns.

The final commenter asked Chief Hawkins why he is defensive and dismissive, and compared him to the leadership in Saratoga Springs. They criticized his actions on April 22, 2021, by hanging back. The commenter also noted that the protesters are not being paid to be at the meeting, but Chief Hawkins is technically on the job, and started to question what Chief Hawkins would do if his son was on the other side of police violence.

**XV. APPROVAL OF POLICY AND PRACTICE RECOMMENDATIONS**

Chair Vives moved to approve the policy and practice recommendations, seconded and passed.

**XVI. REMARKS FROM THE CHAIR**

**(N. Vives)**

Chair Vives thanked everyone for showing up including members of the community, APD, current Board Members, past Board Members, and elected officials.

**XVII. ADJOURNMENT**

There being so further business, the meeting was adjourned at 10:16 p.m.



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

## 2024 1<sup>st</sup> Quarter Report

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

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

### **Chief's Quarterly Report of Disciplinary Investigations and Action**

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

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

### **New Complaints and Grievances**

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

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

When the CPRB receives complaints that fall outside of its jurisdiction, the complainant is notified and referred to the governmental entities with the jurisdiction to process the complaint. Of the 13 new complaints, three cases were determined to be outside of the Board's jurisdiction.

The Board received no grievance forms from OPS. Grievances are informal complaints received by OPS from community members who do not want to submit a formal complaint.

### **Complaint Review Summary**

There are 77 active cases. An “active case” is a complaint awaiting review by an Albany Police Department's Office of Professional Standards (OPS) investigator and a member of the CPRB, except for cases that have been suspended because of pending litigation.

It is pertinent to note that out of the 68 active complaints assigned to Detectives, 67 active complaints have taken over 60 days to investigate. APD General Order 2.4.05 mandates completion within 60 Days of assignment to an OPS Detective. 48 out of the 77 active complaints surpassed 365 days, preventing formal discipline for sustained allegations in accordance with the current collective bargain agreements. OPS has completed its investigation into 9 complaints during the first quarter of 2024.

The CPRB reached its findings by carefully analyzing all the evidence available, including video, established facts, statements by involved parties, and reports. Importantly, the CPRB considered the specific language of all applicable policies and laws to reach a reasoned determination. The Board reviewed and made findings on 7 complaints in the first quarter of 2024:

| <p><b>OPS Case No. &amp; Case Synopsis</b></p>  | <p><b>OPS Finding -</b><br/>The OPS made the following findings as to the conduct of the officer involved:</p>   | <p><b>CPRB Finding -</b><br/>For complaints filed prior to the passage of Local Law J, the Board cannot render its finding without the OPS “preliminary” / finding report / case summary.<br/><br/>The Board made the following findings as to the conduct of the officer involved:</p>   |
|---|--|---|
| <p><b>CC2023-015 – J. Levendosky</b><br/>According to the complaint, the officer in question allegedly told the tenant that if he were in their shoes, he would also allow his dog to defecate on the front yard of the property, during a one-on-one conversation about the call that they were responding to.<br/><br/>Allegation(s): Call Handling (1ct) and Conduct Standards (1ct)</p> | <p><b>I.</b> With regards to the 1 count of improper Call Handling, the 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.<br/><br/><b>II.</b> With regards to the 1 count of improper Conduct Standards, the OPS reached a finding of <b>Sustained</b>.</p> | <p><b>I.</b> With regards to the allegation of APD’s response to Call Handling, improper Call Handling, the CPRB reached a finding of <b>Sustained</b> – where the review discloses sufficient facts to prove the allegations made in the complaint.<br/><br/><b>II.</b> With regards to the allegation of APD’s response to Conduct Standards, the CPRB reached a finding of <b>Sustained</b>.</p> |
| <p><b>CC2021-013 – A. Santos</b><br/>The Complainant alleged his accident report was written wrong, his vehicle was struck by an APD Detective and said Detective was “coached” by his Sergeant as to what to say.</p>  | <p><b>I.</b> With regards to the 1 count of improper Call Handling, the OPS reached a finding of <b>No Finding</b> – where, for example, the complainant failed to produce information to further the investigation;</p>   | <p><b>I.</b> With regards to the 1 count of improper Call Handling, the CPRB reached a finding of <b>Unfounded</b> – where the review shows that the act or acts complained of did not occur or were misconstrued.</p>  |

|   |  |  |
|---|--|--|
| <p>Allegation(s): Call Handling (1ct)</p>   | <p>or where the investigation revealed that another agency was responsible and the complaint or complainant has been referred to that agency; or where the complainant withdrew the complaint; or where the complainant is unavailable to clarify the complaint; or where the officer is no longer employed by the City.</p>   |  |
| <p><b>CC2021-018 – A. Santos</b><br/>The complainant alleges the officer who responded to the scene of an accident did not provide accurate details in their documentation regarding the vehicular accident that occurred on 04/15/21.</p> <p>Allegation(s): Call Handling (1ct)</p>                                  | <p><b>I.</b> With regards to the 1 count of improper Call Handling, the OPS reached a finding of <b>No Finding.</b></p>  | <p><b>I.</b> With regards to the 1 count of improper Call Handling, the CPRB reached a finding of <b>No Finding.</b></p>   |
| <p><b>CC2021-010 – J. Levendosky, V. Harden and A. Santos</b><br/>The complainant alleged police removed badges and/or name tags on April 14 and April 22; “thin blue line” insignia present on April 22; and excessive force on April 22.</p> <p>Allegation(s): Use of Force (1ct) &amp; Conduct Standards (3ct)</p> | <p><b>I.</b> With regards to the 1 count of improper Conduct Standards on April 14, 2021, the OPS reached a finding of <b>Not Sustained.</b></p> <p><b>II.</b> With regards to the 1 count of improper Conduct Standards on April 22, 2021, the OPS reached a finding of <b>Exonerated</b> –</p> <p style="padding-left: 40px;">a. where the acts which provide the basis for the complaint occurred, but the review shows that such acts were proper.</p> | <p><b>I.</b> With regards to the 1 count of improper Conduct Standards on April 14, 2021, the CPRB reached a finding of <b>Not Sustained.</b></p> <p><b>II.</b> With regards to the 1 count of improper Conduct Standards on April 22, 2021, the CPRB reached a finding of <b>Sustained.</b></p> <p><b>III.</b> With regards to the 1 count of improper Use of Force on April 22, 2021, the CPRB reached a finding of <b>Not Sustained.</b></p> <p><b>IV.</b> With regards to the 1 count of improper Conduct Standards on</p> |

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

|  |  |   |
|--|--|---|
|  | <b>III.</b> With regards to 1 count of improper Use of Force on April 14, 2021, the OPS reached a finding of <b>Unfounded.</b> | <b>III.</b> With regards to 1 count of improper Use of Force on April 14, 2021, the CPRB reached a finding of <b>Not Sustained.</b> |
|--|--|---|

### Investigator Reports

On Thursday, March 14, 2024, the Albany Community Police Review Board (CPRB) convened to discuss the findings of independent investigators regarding incidents during the South Station Arch Street protest in April 2021. These incidents stemmed from a protest march on April 14, 2021, culminating at the APD South Station, followed by an encampment of protesters outside the station, terminated by the APD on April 22, 2021. The CPRB received four civilian complaints (Complaint Nos. CC2021-010, CC2021-011, CC2021-012, and CC2021-020) related to the events on April 14 and April 22, 2021. The independent investigation, conducted by T&M USA, revealed numerous violations of APD policy, including some officers displaying “Blue Lives Matter”/“Thin Blue Line” paraphernalia, supervisors failing to inspect officers' adherence to guidelines, a supervisor using excessive force against a protester resulting in injury, improper use of Oleoresin Capsicum (“OC”) spray, officers covering or removing name tags and badges, and failure to provide identification upon request by civilians. The Board voted unanimously to accept all but one of the T&M’s findings, 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. A recording of the proceedings can be viewed on the Board’s website or by clicking: <https://www.albanycprb.org/board-meeting/video-recordings/>.

In response to these concerns and in accordance with 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. The CPRB investigated the case and submitted its findings and policy recommendations to the Chief on March 15, 2024. For more details on this case, refer to the T&M report [here](#) and the CPRB’s policy recommendations can be viewed [here](#). 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.

### Independent Investigations

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

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

### Policy and Practice Recommendations to Chief

Section 42-343(B)(1) of the City Code requires the Board to appoint an individual to observe and monitor the investigation by OPS of a complaint “in the event the complaint alleges use of force or a violation of civil rights.” The Board appointed a monitor to two new complaints.

### **Monitors**

Section 42-343(B)(1) of the City Code requires the Board to appoint an individual to observe and monitor the investigation by OPS of a complaint “in the event the complaint alleges use of force or a violation of civil rights.” The Board appointed a monitor to two new complaints.

### **Mediation**

Sections 42-346(C) and 32-343(F)(4) of the City Code permits complainants, officers, and the Board to refer a complaint to mediation in place of full CPRB review. The Board forwarded no complaints to mediation this reporting period.

### **CONCLUSION**

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The Community Police Review Board continues to make every effort to work collaboratively with the Albany Police Department, the City of Albany, and the communities served by the Board.

Respectfully submitted,

Hon. Leslie E. Stein (Ret.)  
Director, Government Law Center of Albany Law School

Nairobi Vives, Chair  
Approved by and submitted on behalf of the  
Community Police Review Board

Approved by the CPRB





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

April 12, 2024

Chief Eric Hawkins  
Albany Police Department  
165 Henry Johnson Boulevard  
Albany, NY 12210

**RE:** Policy and Practice Recommendations from the CPRB Standing Committee on Investigation

Dear Chief Eric Hawkins:

Section 42-343(C) of the Code of the City of Albany, NY states that the City of Albany Community Police Review Board (“the Board” or “CPRB”) shall periodically review and assess Albany Police Department (APD) policies, procedures, patterns, practices, and training, and may recommend changes to the APD. Pursuant to § 42-343(C), the Board has developed recommendations regarding the following APD’s policies:

- Record Systems General Order No. 4.2.10
- Body Worn Cameras, General Order No. 3.2.15
- Office of Professional Standards - Complaint Procedures, General Order No. 2.4.05 and
- Disciplinary Procedures, General Order No. 2.2.20

Under § 42-343(C), the Chief must provide within 60 days written acknowledgment of receipt of the CPRB’s recommendations and a detailed listing of what CPRB recommendations are and are not being implemented to the Chair of the CPRB. Accordingly, the CPRB respectfully requests this written response from you no later than **June 11, 2024**, which is the 60-day deadline outlined in the law.

Attached for your reference is a detailed outline of the Board’s recommendations. Please feel free to contact me at your convenience with any questions.

---

John Levendosky, Chair of CPRB Standing Committee on Investigation, Albany Community Police Review Board



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

## **Albany Community Police Review Board**

### **Investigative Committee Policy and Practice Recommendations**

April 12, 2024

#### **Table of Contents**

|   |          |
|---|----------|
| <b>I. Recommended Procedure and Practice Change(s): .....</b>   | <b>3</b> |
| A. APD General Order: Body Work Cameras, General Order No. 3.2.15(III)(J)(4) ....   | 3        |
| B. APD General Order: Body Worn Cameras, General Order No. 3.2.15(V), (VI) .....  | 3        |
| C. APD General Order: Body Worn Cameras, General Order No. 3.2.15(III)(I) .....   | 4        |
| <b>II. Recommended Policy Changes.....</b>  | <b>4</b> |
| A. APD General Order: Office of Professional Standards - Complaint Procedures,<br>General Order No. 2.4.05(I)(B) .....  | 4        |
| B. APD General Order: Office of Professional Standards - Complaint Procedures,<br>General Order No. 2.4.05(II) .....  | 5        |
| C. APD General Order: Office of Professional Standards - Complaint Procedures,<br>General Order No. 2.4.05(I)(A) .....  | 6        |
| D. APD General Orders: Body Worn Cameras General Order No. 3.2.15; Mobile<br>Digital Video/Audio Recording Equipment General Order No. 3.3.10; Record<br>Systems General Order No. 4.2.10. .... | 8        |
| E. APD General Order: Disciplinary Procedures General Order No. 2.2.20; Personnel<br>Early Warning System General Order No. 2.4.15 .....  | 9        |

## **I. RECOMMENDED PROCEDURE AND PRACTICE CHANGE(S):**

### **A. APD General Order: Body Work Cameras, General Order No. 3.2.15(III)(J)(4)**

The Board has learned that the lobby and desk areas of all APD stationhouses lack surveillance cameras, video recording capabilities, and log books to monitor station visitors. The APD Deputy Chief confirmed this deficiency, acknowledging the ongoing security assessment of facilities.

The only times when BWC are required to be turned on are during arrests, traffic stops, street encounters, foot pursuits, EDP calls, and use of force situations. Officers may but are not required to use their BWCs in situations like interviewing victims/complainants in a police facility and "General community policing functions." The General Order provides the following examples: "CPTED and security surveys, bike rodeos, etc." (3.2.15 (III)(J)). The station house front desk is distinguished from these examples as it can be accessed by the public, and these are not internal APD conversations.

Because General Order No. 3.2.15 does not specifically address the use of BWCs in the station house and the front desk and considering the potential impact on the safety, privacy, and integrity of both community members and APD staff, the committee proposes the following recommendations:

1. Body Worn Cameras: APD officers should activate their Body Worn Cameras (BWCs) in the station house and at the front desk when interacting with community members in relation to a complaint.
2. Logbooks: Logbooks should be installed in all APD Station Lobbies, allowing community members the option to sign in/sign out while conducting APD business, thereby documenting their presence if they choose to do so and aiding in visitor tracking.
3. Monitoring System: Equip all APD Station Lobbies and public areas with a 24-hour video monitoring system.

### **B. APD General Order: Body Worn Cameras, General Order No. 3.2.15(V), (VI)**

1. APD and OPS should grant the Board unfettered access to the materials necessary to complete their investigations, including case files and any case-specific information.

The CPRB is once more urging for its Board members and investigators to be granted unrestricted access to the complete physical and digital case file as well as any case-specific information for any matter that the CPRB and/or OPS is investigating in accordance with Albany City Code §§ 42-343(F) and 42-349. The OPS Commander or designee may provide a copy of the complete file upon the CPRB's request, with an ongoing obligation to provide additional materials as soon as they become available or by granting access to the file through Axon's evidence.com portal without any APD-imposed time limit.

**C. APD General Order: Body Worn Cameras, General Order No. 3.2.15(III)(I)**

1. APD should implement discipline for BWC violations and note them as allegations in the Case Summary of the OPS investigation.

In 2023, the CPRB identified instances of Officer non-compliance with BWC usage and a lack of discipline for said violation. To address this, the CPRB recommends that the department implement discipline for BWC violations and document them as allegations in the Case Summary of the OPS investigation. In a number of instances, the CPRB has reviewed OPS investigations that it completed well after the one-year time limit for imposing discipline that is part of the current Collective Bargaining Agreements (CBA) and beyond the sixty (60) days OPS is mandated to complete such investigations under General Order 2.4.05 II B. Specifically, multiple cases from 2022 and 2023 (including CC2018-018, CC2021-002, CC2021-003, CC2021-013, CC2021-019, and CC2021-037) involved significant delays in receiving BWC footage from OPS and/or many raised concerns over the lack of BWC footage in situations when they could and should have been used.

**II. RECOMMENDED POLICY CHANGES**

**A. APD General Order: Office of Professional Standards – Complaint Procedures, General Order No. 2.4.05(I)(B)**

1. OPS should adhere to the sixty (60) day completion deadline found in G.O. 2.4.05.

In an effort to address gaps in the communication process, ensuring community members and the CPRB are kept informed of complaint status by OPS, we recommend adherence to GO 2.4.05 by OPS to ensure investigations are completed within 60 days of assignment to an OPS Detective. OPS should notify the complainant and the Board as to the status of a complaint and the expected completion date at 45 days if the complaint takes longer than 60 days.

2. Proposed Language for General Order No. 2.4.05(II)(B)(2):

If an investigation is expected to take longer than sixty (60) days, OPS shall notify the complainant and the Community Police Review Board as to the status of a complaint and the expected completion date no more than thirty (30) days thereafter.

**B.** Investigation of complaints shall generally be completed within sixty (60) days of the complaint investigation being assigned to an OPS detective. The detective may request extensions of the time period from the Chief of Police when extenuating circumstances exist.

1. OPS shall be responsible for notifying all complainants as to the status of their complaints and the expected completion date.
2. ~~Should an administrative investigation take longer than expected, OPS will notify the complainant and the subject employee of the delay and reason.~~ If an investigation is expected to take longer than sixty (60) days, OPS shall notify the complainant and the Community Police Review Board as to the status of a complaint and the expected completion date no more than thirty (30) days thereafter.

**B. APD General Order: Office of Professional Standards - Complaint Procedures, General Order No. 2.4.05(II)**

1. APD should revise the Complaint Withdrawal Form language and include the Form as an attachment to General Order 2.4.05

Recently, there has been an unusual increase in the number of withdrawal forms received from complainants. As a result, the CPRB has contacted these complainants from 2022 and 2023 to inquire whether they were satisfied with the resolution of their complaint and to confirm with them that we received a complainant-signed withdrawal form from the Albany Police Department.

Based on these initial complaints, it appears that the complainants may not have been aware that by withdrawing their complaint, it may not be investigated and reviewed by the CPRB. Therefore, the Withdrawal Form statement should be revised to reflect this. Additionally, the CPRB recommends that any detective assigned to investigate a complaint may not suggest that the complainant withdraw their complaint or ask if they would like to withdraw their complaint. Please note that after receiving their Withdrawn Form from APD, we sent these complainants a letter informing them of our receipt of the form and that their case is now considered “closed.”

2. Proposed Recommendation for General Order No. 2.4.05(II)(D):

If a complainant expresses interest in withdrawing their complaint, OPS personnel shall inform the complainant that by withdrawing their complaint, the Community Police Review Board may not review it.

1. The assigned OPS Detective and any other APD or OPS personnel shall not ask or suggest that the complainant withdraw their complaint.

D. If a complainant expresses interest in withdrawing their complaint, OPS personnel shall inform the complainant that by withdrawing their complaint, the Community Police Review Board may not review it.

1. The assigned OPS detective and any other APD or OPS personnel shall not ask or suggest that the complainant withdraw their complaint.

2. APD Complaint Withdrawal Form Language:

Current language:

I \_\_\_\_\_ state, at this time, that I no longer wish to pursue my complaint against the member(s) of the Albany Police Department.

to

Proposed Revised Language:

I \_\_\_\_\_ am voluntarily withdrawing my complaint dated \_\_\_\_\_. The withdrawal covers all aspects of the complaint made against any member(s) of the Albany Police Department. I am voluntarily withdrawing my request for an investigation and any consent that I may have granted for the release of information. I understand that any further review of the allegations contained in my complaint will be done at the discretion of the Albany Police Department.

Please take note that by withdrawing your complaint, your case will be considered "closed" and may not be reviewed by the Albany Community Police Review Board (CPRB). Should you decide to re-open your complaint, you may make a request to do so to the CPRB.

**C. APD General Order: Office of Professional Standards - Complaint Procedures, General Order No. 2.4.05(I)(A)**

1. If a complaint is handled at the supervisor level, APD should provide the Board with a Supervisor Inquiry Report, and the Supervisor should follow up with the complainant and initiate further investigation if warranted.

During the CPRB Standing Committee on Police Department Liaison that took place in September 2023, Office of Professional Standards (OPS) Detective Lieutenant Mark Decker brought up the idea of the complaint with minor allegations such as rudeness and courtesy being reviewed and

investigated by an APD Supervisor instead of being investigated by OPS. The aim of this alternative method is to process complaints more quickly, resulting in more satisfied complainants.

Lieutenant Decker explained that in cases where the supervisor inquired into the matter instead of OPS investigating it, it is recommended by CPRB that a report be provided to the board after the completion of their inquiry. The supervisor will also follow up with the complainant, and if the complainant is not satisfied with the process, the complaint will then be investigated by OPS. Decker mentioned that most complainants are not aware that their matter can be resolved by a Supervisor. An example of the type of allegation considered for this process is rudeness/courtesy.

According to General Order 2.4.05 (Office of Professional Standards - Complaint Procedures), community members who seek to file a complaint against the department or its employees may be directed to an on-duty supervisor to record the complaint.

In such instances where this process occurs, the CPRB should at minimum, receive a report regarding the complaint after the completion of the Supervisor Inquiry process.

2. Proposed Recommendation for General Order No. 2.4.05(I)(A)(6):

If the complaint is handled at the supervisor level, then the supervisor shall be responsible for completing an Albany Police Department Supervisor Inquiry Report and entering it into IDC, APD Form # 423, shown on page 8 of this order and forwarding the report to OPS and to the Administrative Agency that administers the Community Police Review Board.

6. If the complaint is handled at the supervisor level, then the supervisor shall be responsible for completing an Albany Police Department Supervisor Inquiry Report and entering it into IDC, APD Form # 423 shown on page 8 of this order, and forwarding the report to OPS. ~~When the Supervisory Inquiry Report is forwarded to OPS, then OPS shall forward the Supervisory Inquiry Report and~~ to the Administrative Agency that administers the Community Police Review Board.

3. Proposed Recommendation for General Order No. 2.4.05(I)(A)(7):

Supervisors shall follow up with the complainant, and if the complainant is not satisfied with the process and desires further action and the matter warrants further investigation, the complaint will be forwarded to OPS for investigation.

7. ~~Supervisors shall follow up with the complainant, and if the complainant is not satisfied with the process and desires further action and the matter warrants further investigation, the complain will be forwarded to OPS for investigation. If the complainant desires further action and the matter warrants further investigation, the supervisor shall then advise the complainant that they should file a written complaint via a Community Complaint FormCitizen CComplaint Form, shown on pages 9 through 12 of this order, or the complainant may submit a written letter detailing the incident. The supervisor shall be responsible for offeringthe complainant a CitizenCommunity Complaint Form.~~

**D. APD General Orders: Body Worn Cameras General Order No. 3.2.15; Mobile Digital Video/Audio Recording Equipment General Order No. 3.3.10; Record Systems General Order No. 4.2.10.**

1. APD should adopt New York State's LGS-1 retention schedule to promote uniformity of records retention within the city.

The Board is advocating for the adoption of the New York State Archives LGS-1 retention schedule in order to foster uniformity within the city. In accordance with the schedule, the Board is proposing a 6-month minimum retention for all BWC footage, aligning with LGS-1 standards and extending this retention requirement to dash camera and city camera recordings.

For instance, in traffic stops, APD retains traffic accident footage for 90 days but keeps traffic violation recordings for one year. Meanwhile, the LGS-1 calls for routine traffic stop recordings to be held for six months, and the troopers require all recordings to be held for a minimum of 6 months regardless of the type of incident recorded. As for booking videos, APD lags behind the LGS-1 schedule for these recordings: APD only retains these recordings for 30 days, while the minimum announced in the LGS-1 is three years, and it could be even longer, depending on the age of the individual. Address discrepancies in retention periods for booking videos, 911 calls, and other recordings, promoting consistency with LGS-1 guidelines.

Under Record Systems General Order No. 4.2.10, APD has elected to follow New York State Retention and Disposition Schedule MU-1. MU-1 has been superseded by LGS-1<sup>1</sup>, and section 42-275 of the Albany City Code provides that “[t]he Common Council hereby adopts all records retention and disposition schedules or lists as may, in part or in total, apply either now or in the

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<sup>1</sup> N.Y. State Educ. Dep't & N.Y. State Archives, *Local Government Retention Schedules*, <https://www.archives.nysed.gov/records/retention-schedules-local-government>.



future.” It is therefore recommended that APD updates their records retention schedule to reflect the LGS-1 schedule promulgated by the New York State Education Department.<sup>2</sup>

**E. APD General Order: Disciplinary Procedures General Order No. 2.2.20; Personnel Early Warning System General Order No. 2.4.15**

1. APD should provide the Board with a quarterly report detailing all APD staff members' recommendations for training following disciplinary infractions.

In an effort to comply with the Albany Police Department Discipline Matrix, CPRB recommends we receive quarterly reports detailing all APD staff members recommended for training following disciplinary infractions (including Education-Based Discipline in accordance with APD Discipline Matrix<sup>3</sup>). Additionally, the CPRB requests quarterly reports on APD staff and APD-issued oral and/or Written Counseling Memos, providing detailed information on infractions and remediation for each incident.

2. Proposed Recommendation for General Order No. 2.2.20 (IV):

1. Officer disciplinary information, including recommendations for training, training records, and written and/or oral Counseling Memos, shall be compiled and transmitted to the Community Police Review Board on a quarterly basis.
2. The report shall provide detailed information on the infractions and remediation for each incident.

The latest APD Chief Quarterly Report on Disciplinary Investigations and Actions marks a notable improvement compared to previous iterations. However, past reports have been criticized for their general nature, lacking specific details on mentioned cases and aggregate data. This deficiency undermines efforts to achieve greater transparency, a key priority highlighted by our Board Members. Transparency requirements outlined in § 42-340 of the City Code underscore the

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<sup>2</sup> N.Y. State Educ. Dep't & N.Y. State Archives, *Local Government Schedule: LGS-1* (2022), <https://www.archives.nysed.gov/records/local-government-record-schedule/lgs-1-title-page>. It should be noted that it is unclear whether the City of Albany has formally adopted any specific retention schedule other than what is stated in City Code § 42-275(b). LGS-1 requires that if a local government has not already adopted LGS-1 then it must adopt it by resolution, even if the local government has previously adopted and utilized the CO-2, MU-1, MI-1, or ED-1 Schedules.

<sup>3</sup> Albany Community Police Review Board, *Disciplinary Matrix* (2023), <https://www.albanycprb.org/wp-content/uploads/2023/03/APD-Discipline-Matrix-Draft-2023.pdf>.

necessity of including individualized data on specific cases and aggregated information within our reports.

#### IV. Quarterly Reports

1. Officer disciplinary information, including recommendations for training, training records, and written and/or oral Counseling Memos, shall be compiled and transmitted to the Community Police Review Board on a quarterly basis.
2. The report shall provide detailed information on the infractions and remediation for each incident.

3. Proposed Recommendation for General Order No. 2.4.15 (II)(G)(4)(b)(i)(f):

1. The training summaries shall be compiled and reported to the Community Police Review Board quarterly

- e) A summary of the training shall be documented via IDC and shall be included with the PEWS review.
- e)f) The training summaries shall be compiled and reported to the Community Police Review Board Quarterly.