



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

PUBLIC MONTHLY MEETING AGENDA

Thursday, February 8, 2024 - 6:00 PM

MEETING LOCATION: West Wing Classroom (W212) of Albany Law School's 1928 Building,
at 80 New Scotland Avenue, Albany, NY 12208

**** Meeting Information if Participating via Zoom ****

<https://us02web.zoom.us/j/81280680884?pwd=UjZOuk5YUzhhemVmdE9zR0hMdU11Zz09>

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

- I. Call to Order & Roll Call** (N. Vives)
- II. Approval of Agenda** (N. Vives)
- III. Public Comment**
- IV. Case Review**
 - A. 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.
 - B. CC2021-018 A. Santos
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.
 - C. CC2021-021 V. Person
The Complainant alleged that she made several calls to 911, and as she was told that there are more pressing issues that have come up and the 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 complained about the extended response time for call of service.
 - D. CC2021-029 P. Collins-Hackett
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.
- V. Case Update**
 - A. CC2021-013 A. Santos
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.
- VI. Consideration of Subpoenas**
- VII. Consideration of Complaint Closure Without Review/ Complaint Withdrawal**
 - A. CC2022-024 - Complaint Withdrawal

VIII. Reports

A. CPRB Standing Committee Reports

- i. Public Official Liaison (N. Vives)
- ii. Discipline Matrix (N. Vives)
- iii. Investigation (J. Levendosky)
- iv. Bylaws and Rules (A. Santos)
- v. Police Department Liaison (V. Harden)
- vi. Community Outreach (P. Collins-Hackett)
- vii. Mediation (V. Collier & V. Harden)

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)

IX. New Business

(N. Vives)

A. 2024 Warren M. Anderson Legislative Series

B. Approval of 2023 4th Quarterly Report and 2023 Annual Report

C. Approval of amendments to the Operating Procedure

D. Approval of amendments to the Bylaws and Rules

E. Approval of minutes from January 11, 2024 Public Monthly Meeting

X. Adjournment



ALBANY LAW SCHOOL GOVERNMENT LAW CENTER

EVENT INVITATION

2024 Warren M. Anderson Legislative Series

Begins February 13, 2024
CLE available: 1.0 credit per program attended

Held monthly from February through May each year, the [Warren M. Anderson Legislative Series](#) examines major legal and policy issues pending before the New York State government.

On Tuesday, February 13, join the Government Law Center at Albany Law School for the first program in this year's series: **The State of Police Oversight in New York**.

The panel discussion will be moderated by:

- **Barbara Graves-Poller, Esq.** — Corporation Counsel, City of Kingston, NY

Panelists include:

- **Tyler Nims, Esq.** — Chief, Law Enforcement Misconduct Investigative Office, Office of the New York State Attorney General
- **Michael Sisitzky, Esq.** — Assistant Policy Director, New York Civil Liberties Union
- **Nairobi Vives, Esq. '12** — Chair, Albany Community Police Review Board, City of Albany, NY

This free program is open to the public and will take place on Zoom. CLE credits are available for practicing attorneys who attend. Registration is required.

[Click to Register](#)

Series Schedule

The State of Police Oversight in New York

February 13
12 p.m. – 1 p.m.

In the first program of the 2024 Warren M. Anderson Legislative Series, panelists will discuss critical issues in police oversight in the State of New York, including the authority of civilian oversight boards, disclosure of disciplinary records after the repeal

of § 50-a, and the special-duty doctrine. Panelists will also discuss the implications of recent court decisions and potential statutory reforms. [Register here.](#)

Artificial Intelligence and Government Operations

March 5

12 p.m. – 1 p.m.

In the second program of the 2024 Warren M. Anderson Legislative Series, panelists will explore the legal and ethical implications of the utilization of artificial intelligence (AI) in government operations. Panelists will also discuss the future of AI governance at the state level to ensure appropriate use and outcomes, transparency, accuracy, and the prevention of harmful, unintended consequences. [Register here.](#)

New York State Redistricting Revisited

April 16

12 p.m. – 1 p.m.

In the third program of the 2024 Warren M. Anderson Legislative Series, panelists will examine the state of redistricting in New York State in light of a decision of the New York Court of Appeals in *Hoffman v. NYS Independent Redistricting Commission*, the latest development in the redistricting process that began in 2022. Panelists will discuss the statutory and constitutional bases for drawing new district maps, legal challenges to redistricting maps, and the future of redistricting in New York State. [Register here.](#)

The Powers of the Governor in the State Budget Process

May 7

12 p.m. – 1 p.m.

In the final program of the 2024 Warren M. Anderson Legislative Series, panelists will examine the constitutional, legal, and practical issues related to the powers of the Governor of New York State in the state budget process. The program will also explore gubernatorial budgetary powers in other states. [Register here.](#)

Contact: Chel Miller

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

2023 4th Quarter Report

This report covers the operations of the Community Police Review Board (hereafter “CPRB” or “the Board”) from October 1, 2023 to December 31, 2023 using traditional calendar quarters.

Disciplinary Matrix Development

On October 3, 2023, the Chair of the Citizen Police Review Board (CPRB), Nairobi Vives, along with Vice Chair Dr. Veneilya Harden, NYCLU Director Melanie Trimble, and the Program Manager had a productive meeting with Chief Eric Hawkins and Deputy Chief Anthony M. Battuello. The purpose of the meeting was to submit the proposed APD Discipline Matrix for approval. After the meeting, the Deputy Chief and Chief met with Union Leadership representatives to review the draft before Chief Hawkins made any final decisions. On December 5, 2023, the Chief proposed revisions to the APD Discipline Matrix, which were reviewed by Chair Vives and other members of the CPRB. On December 14, 2024, Chair Vives, Vice Chair Harden, Director Trimble, and the Program Manager met again with the APD Chief and Deputy Chief to discuss the department's suggested edits to the APD Discipline Matrix. Chair Vives is currently working on the revised Discipline Matrix for approval.

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 July 1, 2023, to December 31, 2023. The report reveals that two disciplinary actions were taken during this period, one of which was inadvertently omitted from the third-quarter report.

During the fourth quarter of 2023, Detective Adam Mantei received a written reprimand and 4.5 days' loss of leave credits for violating GO 2.2.0-I-A-6A (Neglect of Duty) and GO 2.2.00 I-A-40-b (Unbecoming Conduct) on August 01, 2023.

In the third quarter of 2023, Officer Jonathan Damphier received a written reprimand and a loss of 2 days' leave credit for violating GO 2.2.00-1-A-15a (Use of Alcohol Off-Duty) and GO 2.2.00-I-A-2-b (Unbecoming Conduct) on August 01, 2023. The omission of this disciplinary action from the third-quarter report was an error, and it has been included in the latest report.

Complaint Review Summary

There are 78 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.

All 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. 47 out of the 74 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 8 complaints during the fourth quarter of 2023.

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 **14** complaints in the fourth quarter of 2023:

<p>OPS Case No. & Case Synopsis</p>	<p>OPS Finding - The OPS made the following findings as to the conduct of the officer involved:</p>	<p>CPRB Finding - 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. The Board made the following findings as to the conduct of the officer involved:</p>
<p>CC2023-042 – A. Santos</p> <p>The Complainant alleged APD Officers Patrick Guiry and Joshua Austin did not provide her with adequate safety measures when she was confronted by four youths. Furthermore, she alleges that Officer P. Guiry did not correctly identify himself when asked to do so.</p> <p>Allegation(s): Call Handling (1ct) and Conduct Standards (1ct)</p>	<p>I. With regards to the 1 count of improper Call Handling, the OPS reached a finding of Exonerated – where the acts which provide the basis for the complaint occurred, but the review shows that such acts were proper.</p> <p>II. With regards to the 1 count of improper Conduct Standards, the OPS reached a finding of Exonerated.</p>	<p>I. With regards to the allegation of APD’s response to Call Handling, the CPRB reached a finding of Sustained – where the review discloses sufficient facts to prove the allegations made in the complaint.</p> <p>II. With regards to the allegation of APD’s response to Conduct Standards, the CPRB reached a finding of Exonerated.</p>
<p>CC2023-032 – A. Santos</p> <p>The Complainant alleged that the maintenance worker for her building has unlawfully entered her</p>	<p>I. With regards to the 1 count of improper Call Handling, the OPS reached a finding of Unfounded – where</p>	<p>I. With regards to the 1 count of improper Call Handling, the CPRB reached a finding of Unfounded.</p>

<p>apartment, and despite earlier reports to APD about the same issue, APD has not taken any action. The complainant reports that her door locks have been forcibly removed on three separate occasions in recent months, allegedly as part of an illegal eviction attempt and ongoing harassment. Additionally, the complainant claims that an officer dismissed her concerns, suggesting she was irrational, instructed her to calm down, and implied she needed psychological assistance.</p> <p>Allegation(s): Call Handling (1ct)</p>	<p>the review shows that the act or acts complained of did not occur or were misconstrued.</p>	
<p>CC2022-040 – V. Person</p> <p>The complainant alleges that, when a taxi pulled up to her address, her companion was unable to retrieve personal property belonging to her from the taxi. The complainant states the Police were contacted by both the taxi company and herself and, when the Police arrived, the Officer intentionally allowed the taxi driver to leave with her personal property. The complainant states she has been unable to collect her property from the taxi company.</p> <p>Allegation(s): Call Handling (1ct)</p>	<p>I. With regards to the 1 count of improper Call Handling, the OPS reached a finding of Unfounded.</p>	<p>I. With regards to the 1 count of improper Call Handling, the CPRB reached a finding of Unfounded.</p>

<p>CC2021-036 – J. Levendosky</p> <p>The complainant states that his car was stopped by police and he was given two tickets for no reason. He states that the issuing officer was acting deranged and psychotic during the stop. The complainant stated in his complaint that he believed the officer's behavior suggested the officer was “on narcotics.”</p> <p>Allegation(s): Arrest Authority & Procedure (1ct) & Conduct Standards (1ct)</p>	<p>I. With regards to the 1 count of improper Arrest Authority & Procedure, the OPS reached a finding of Unfounded.</p> <p>II. With regards to the 1 count of improper Conduct Standards, the OPS reached a finding of Not Sustained – where the review fails to disclose sufficient facts to prove or disprove the allegation made in the complaint.</p>	<p>I. With regards to the 1 count of improper Arrest Authority & Procedure, the CPRB reached a finding of Unfounded.</p> <p>II. With regards to the 1 count of improper Conduct Standards, the CPRB reached a finding of Not Sustained.</p>
<p>CC2021-032 – M. Ingram</p> <p>The Complainant alleged that a maintenance worker in the complainant's building has once again unlawfully entered her apartment and, despite reporting this to the Albany Police Department, no action has been taken. The complainant also alleged that her door locks have been tampered with three times in recent months, as part of an apparent effort to illegally evict her and subject her to harassment. Additionally, the complainant claims that, during an interaction with an officer, she was dismissed as being irrational, instructed to calm down and lower her voice, and advised to seek help. She expresses feeling</p>	<p>I. With regards to the 1 count of improper Call Handing, the OPS reached a finding of Unfounded.</p> <p>II. With regards to the 1 count of improper Conduct Standards, the OPS reached a finding of Exonerated.</p>	<p>I. With regards to the 1 count of improper Call Handing, the CPRB reached a finding of Unfounded.</p> <p>II. With regards to the 1 count of improper Conduct Standards, the CPRB reached a finding of Sustained.</p>

<p>triggered by instances of repeated abuse and, when law enforcement attempts to invalidate her, she experiences gaslighting.</p> <p>Allegation(s): Call Handling (1ct) & Conduct Standards (1ct)</p>		
<p>CC2021-019 – M. Ingram</p> <p>The complainant alleged that, after making multiple calls to 911 to report that her landlord had assaulted her, she faced ridicule, and her complaint was disregarded by APD. When an officer eventually arrived at her residence, the officer not only mocked and laughed at her but also declined to document the incident. The refusal to document the complaint undermined her ability to obtain a restraining order against the landlord.</p> <p>Allegation(s): Call Handling (1ct), Call Handling and Procedure for Dispatch (1ct) & Conduct Standards (1ct)</p>	<p>I. With regards to the 1 count of improper Conduct Standards, the OPS reached a finding of Unfounded.</p> <p>II. With regards to the 1 count of improper General Call Handling and Procedure for Dispatch, the OPS reached a finding of Sustained.</p> <p>III. With regards to 1 count of improper Call Handling, the OPS reached a finding of Exonerated.</p>	<p>I. With regards to the 1 count of improper Conduct Standards, the CPRB reached a finding of Sustained.</p> <p>II. With regards to the 1 count of improper General Call Handling and Procedure for Dispatch, the CPRB reached a finding of Sustained.</p> <p>III. With regards to 1 count of improper Call Handling, the CPRB reached a finding of Exonerated.</p>
<p>CC2021-003 – A. Santos</p> <p>The Complainant reported an incident where she, along with other drivers, experienced harassment while driving on Route 787 by a group of approximately 20 motorcyclists. She claimed to have called 911 seeking assistance, but no response or aid arrived. Frustrated,</p>	<p>I. With regards to the 1 count of improper Call Handling, the OPS reached a finding of No Finding – where, for example, the complaint failed to produce information to further the investigation; or where the investigation revealed that another agency was responsible and the complaint or</p>	<p>I. With regards to the 1 count of improper Call Handling, the CPRB reached a finding of No Finding.</p> <p>II. With regards to the 1 count of improper Conduct Standards, the CPRB reached a finding of Sustained.</p>

<p>she proceeded to South Station to file a complaint. The officer on duty at South Station responded by advising her to "contact the Mayor, the Governor, and all the Representatives to advocate for changes in the laws." The officer expressed a sense of futility, stating that "their hands were tied" due to the perceived issue of arrested individuals being quickly released on bail, and questioned why they should invest their time in such cases. The officer also mentioned concerns about calls to defund the police.</p> <p>Allegation(s): Call Handling (1ct) & Conduct Standards (1ct)</p>	<p>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>II. With regards to the 1 count of improper Conduct Standards, the OPS reached a finding of Not Sustained.</p>	
<p>CC2020-020 – A. Santos</p> <p>The Complainant alleged that they saw an Albany Police Department's SUV proceed through a stop sign without stopping when its lights and sirens were not activated. The complainant further asserts that they followed the APD vehicle and noticed it parked outside Center Station approximately 14 minutes after the initial incident, suggesting that the vehicle was not responding to an emergency call at that time.</p> <p>Allegation(s): Vehicle Operation (1ct)</p>	<p>I. With regards to the alleged improper Vehicle Operation, the OPS reached a finding of Not Sustained.</p>	<p>I. With regards to the alleged improper Vehicle Operation, the CPRB reached a finding of Not Sustained.</p>

<p>CC2020-017 – A. Santos</p> <p>The complainant visited the Albany Police Department (APD)'s Center Station to submit a civilian complaint. Upon handing over the report, the desk officer reportedly read it and asked the complainant where they resided. In response, the complainant indicated that all the necessary information was included in the report. Subsequently, the complainant left the station but returned shortly thereafter to request additional complaint forms. During this return visit, an unidentified APD officer and another unidentified officer in a gray uniform entered the lobby. The lobby officer then informed them that the complainant had requested more complaint forms.</p> <p>It is alleged that these officers engaged in verbal harassment towards the complainant, leading the complainant to feel as though they were being gaslighted, causing them to doubt their own judgment and well-being. Furthermore, it is claimed that the lobby officer printed additional complaint forms but placed them just out of the complainant's reach. When</p>	<p>I. With regards to the 1 count of alleged improper Department Procedures, the OPS reached a finding of Exonerated.</p> <p>II. With regards to the 2 counts of alleged improper Conduct Standards, the OPS reached a finding of Not Sustained.</p>	<p>I. With regards to the 1 count of alleged improper Department Procedures, the CPRB reached a finding of Exonerated.</p> <p>II. With regards to the 2 counts of alleged improper Conduct Standards, the CPRB reached a finding of Sustained.</p> <p>III. With regards to the 1 count of improper Vehicle Operation, the CPRB reached a finding of No Finding. The OPS did not make a finding.</p>
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<p>the complainant asked for the forms again, the lobby officer is said to have provided access by moving them "an inch" closer. The complainant suggests that if the officers had received proper training, this encounter might have been less adversarial.</p> <p>Allegation(s): Department Procedures (1ct), Conduct Standards (2cts) and Vehicle Operation (1ct)</p>		
<p>CC2020-019 – L. Levendosky</p> <p>The complainant stated that an APD patrol car passed through an intersection without fully stopping at a stop sign. According to the complainant, this observation was made from their porch. Additionally, the complainant attempted to alert the officer by shouting; however, the officer couldn't hear them from the porch.</p> <p>Allegation(s): Vehicle Operation (1ct)</p>	<p>I. With regards to the 1 count of alleged improper Vehicle Operation, the OPS reached a finding of Not Sustained.</p>	<p>I. With regards to the 1 count of alleged improper Vehicle Operation, the CPRB reached a finding of Not Sustained.</p>
<p>CC2020-010 – A. Santos</p> <p>The complainant reports an incident involving an Albany Police Department (APD) officer who was driving recklessly in their patrol vehicle and abruptly swerved into the complainant's driving lane.</p>	<p>I. With regards to 1 count of alleged improper Conduct Standards, the OPS reached a finding of Exonerated.</p> <p>II. With regards to the 2 counts of alleged improper Call Handling, the OPS</p>	<p>I. With regards to 1 count of alleged improper Conduct Standards, the CPRB reached a finding of Exonerated.</p> <p>II. With regards to the 2 counts of alleged improper Call Handling,</p>

<p>In response, the complainant used their horn to signal the officer about these actions. The APD officer then activated their emergency lights, executed a U-turn, and pulled the complainant over. During the stop, the complainant was informed that they were being issued a traffic ticket for "unauthorized use of a horn," but the actual citation they received was for "failing to use the designated lane."</p> <p>The complainant also alleges that the officer who initiated the stop was not the same officer who issued the citation. The officer who issued the citation declined to provide their name, suggesting that it was documented on the citation. The complainant claims that they did not review the citation until after the officer had left the scene.</p> <p>Allegation(s): Conduct Standards (1ct) and Call Handling (2cts)</p>	<p>reached a finding of Not Sustained.</p>	<p>the CPRB reached a finding of Sustained.</p>
<p>CC2020-009 – A. Santos</p> <p>The complainant alleged that the police confiscated his phone, chain, IDs, and wallet containing \$50, which were not returned to him.</p>	<p>I. With regards to the first count of improper Call Handling, the OPS reached a finding of Exonerated.</p> <p>II. With regards to the second count of improper Call Handling,</p>	<p>I. With regards to the first count of improper Call Handling, the CPRB reached a finding of Exonerated.</p> <p>II. With regards to the second count of improper Call Handling,</p>

Allegation(s): Call Handling (2cts)	OPS reached a finding of Unfounded.	the CPRB reached a finding of Unfounded.
<p>CC2019-027 – J. Levendosky</p> <p>The complainant states that a concerned grandmother contacted the APD to check on her grandchildren, who she believed were being neglected. She feels that the officers did not inspect the situation thoroughly enough and failed to contact CPS regarding the welfare of the children. The complainant believed that the children's guardian should have been arrested for neglect.</p> <p>Allegation(s): Call Handling (1cts)</p>	<p>I. With regards to the 1 count of improper Call Handling, the OPS reached a finding of Exonerated.</p>	<p>I. With regards to the 1 count of improper Call Handling, the OPS reached a finding of Exonerated.</p>

New Complaints and Grievances

The Board received 13 new complaints during the fourth quarter of 2023.

Of the 13 new complaints, three were closed because they were withdrawn by the complainant. Five cases were closed without review.

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.

Independent Investigations

The Board did not vote to independently investigate any cases in the fourth quarter of 2023. At the end of the reporting period, there were six active independent CPRB investigations involving use of force, failure to investigate, police conduct at protests, and officer-involved shootings.

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 did not appoint a monitor for any of the 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

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:



CITY OF ALBANY
COMMUNITY POLICE REVIEW BOARD

2023 Annual Report

January 1, 2023 – December 31, 2023

Submitted to:

Mayor of the City of Albany

Common Council of the City of Albany

Police Chief of the City of Albany

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EXECUTIVE SUMMARY

During the reporting period, the Albany Community Police Review Board (referred to herein as the CPRB or the Board):

- Re-elected some current Board officers and elected new Board officers;
- Elected chairs and members for its committees and task force;
- Continued to work collaboratively with the Albany Police Department (APD) towards the creation of a discipline matrix;
- Provided a training session to APD's newly hired officers;
- Hosted a two-part series of dialogues to reimagine public safety and empower community members with tools for oversight of policing in Albany;
- Tabled at local events; reviewed complaints and closed 24 active complaints;
- Held 12 regular monthly meetings, one special meeting and seven meetings of the CPRB Standing Committee on Discipline Matrix;
- Reviewed and approved five quarterly reports and one annual report; and
- Participated in meetings with APD Command Staff, the Office of Professional Standards (OPS), the Albany Common Council, and City officials.

The Board has remained dedicated to improving communication between the APD and the community served by the APD through investigations, community outreach, and policy recommendations.

Complaints and Investigations

There were 78 active cases (also referred to as complaints). Forty-seven complaints were not ready for Board review within 365 days of the incident because OPS did not complete investigations in a timely manner, preventing formal discipline for sustained allegations in accordance with the current collective bargaining agreements.

OPS has completed its investigation into 43 complaints during the reporting period. This represents a 975% increase from last year, wherein only four OPS reports were received by the Board in 2022 (see Figure 6). The Board reviewed (i.e., voted on) 24 complaints that were investigated by OPS, which is a 500% increase from last year, with four complaints reviewed by the Board in 2022.

Between January 1, 2023, and December 31, 2023, the Board received 76 new complaints. This is a 55% percent increase from last year, where 49 complaints were received in 2022 (see Figure 2). Complaints received include those filed with the Board directly and those filed with the Board through OPS.

The Board voted to conduct six independent investigations during the reporting period.

Presentations to the Common Council

On July 26, August 2, October 16, and October 18, 2023, the CPRB presented to Council members various matters relating to the Board, including a Local Law J implementation progress update, issues with the Board's access to necessary information, and the Board's 2024 budget. The Board attended and initiated several Common Council meetings in support of its 2024 budget.

The CPRB requested a budget increase from prior years to adequately meet its voter-initiated mandate of developing and sustaining a robust oversight and accountability structure for the City of Albany.

The CPRB's request consisted of the following: a proposed budget of \$1,001,282 for a City Administrated Agency (equivalent to 1.5% of APD's proposed budget); or a proposed budget for a Contracted Agency of \$3,155,390 (equivalent to 5% of APD proposed budget).

Mayor Kathy Sheehan proposed her 2024 budget to the Albany Common Council, earmarking for the CPRB less than the bare legal minimum of funds equivalent to 1% of the APD proposed budget. This proposal assigned the CPRB only \$659,000, amounting to 14% less than last year's budget of \$770,000.

The Albany Common Council approved a budget of approximately \$805,000 for the CPRB, and expressed its intent to make the CPRB a City Administrated Agency beginning in 2025, a project this Board is taking on in earnest this year (2024). The Common Council approved the additional \$145,000 in funding in support of contracted services and training. The Council believes this additional funding is essential in this upcoming transition year to help ensure well-run CRPB operations. The Council looks forward to the work ahead with the Administration to incorporate the CPRB into the City and redetermine budgetary needs under this new model for future years.

Board Development

On July 22, 2023, the CPRB organized an all-day retreat, wherein Board members took part in strategic and operational discussion as well as taking part in training sessions to develop the Board's acumen. The training focused on approaches to complaint investigations, case review procedures, creating a supportive work environment, and the demonstration of a case management platform, among other topics.

Separate from the retreat, and ongoing throughout the year, the Board's consultants delivered trainings on various topics, including Introduction to Investigations, Comparison of Oversight Models, Investigation of Critical Incidents, Analysis of Officer-Involved Shootings, Overview of Austin Police Department Policies and their Application to Cases, Fourth Amendment Basics, Case Analysis and Common Issues, Diversity, Equity, and Inclusion (DEI) and Trauma-Informed, and Media and Press. The training sessions were developed to equip members with the necessary knowledge and skills to carry out their functions effectively.

Board Meetings

The monthly meetings of the CPRB serve as a channel for community members to gain a better understanding of the Board's roles and priorities. During these meetings, the Board members also review complaints and address any concerns and questions raised by community members regarding police-community relations in Albany neighborhoods. Additionally, the meetings provide an opportunity for community organizations such as Catapult Games, Albany LEAD, and Albany Stratton VA Medical Center Health Care for Homeless Veterans to raise awareness about their programs.

The Board held 20 public meetings throughout the period covered by this report, including 12 regular monthly public Board meetings, one special meeting and seven meetings of the CPRB Standing

Committee on Discipline Matrix. A public comment period was instated at each of the public meetings, in accordance with the Open Meetings Law.

Albany Police Department Discipline Matrix

The CPRB, in collaboration with the Albany Police Department and other key stakeholders, has developed a Discipline Matrix – in accordance with its mandate outlined in Local Law J – that outlines penalty levels and ranges of sanctions. The purpose of this modern disciplinary system is to establish a uniform accountability structure for the APD as required by Local Law J of 2020. A working group consisting of CPRB members, APD representatives, police union representatives, and community members, was established to develop the matrix, and deliver a first-of-its-kind for Albany – a collaborative approach to public safety.

The CPRB and APD Chief of Police are in the process of finalizing the Discipline Matrix. The draft and an overview of the process are available at <https://www.albanycprb.org/discipline-matrix>. The CPRB Standing Committee on Discipline Matrix held seven meetings to discuss this initiative. The Chief proposed revisions to the final draft of the APD Discipline Matrix, summarily reviewed by the CPRB. Chair Vives is currently working on the revised Discipline Matrix for final Board approval.

Albany Police Department Community Police Academy

Board members Antoinette Santos and Kevin Cannizzaro completed the Albany Police Department Community Police Academy (CPA) in 2023. Eight out of nine CPRB members have completed the CPA.

Community Outreach Efforts

The Board strives to educate the public on the role and functioning of the city’s civilian oversight body, as well as educate and make Albany communities aware of policing and public safety laws and changes to them. Outreach efforts include understanding how to file complaints, the CPRB’s structure and authority, investigation and mediation procedures, and the rights and responsibilities of community members during police encounters. To achieve this, the Board has attended various events such as Unite the City, Capital Of New York State Black Expo, New York State Association of Black & Puerto Rican Legislators 52nd Annual Legislative Conference Craft Expo and Business Fair, Albany Law School’s Senior Citizens’ Law Day, and Albany County Crime Victim and Sexual Violence Center 42nd Annual Take Back the Night March and Rally. The Board also participated in the Capital Pride Parade and Capital District YMCA African Heritage Parade.

Speaking Events & Public Exposure

The Program Manager and/or Board members gave presentations on the operation of the CPRB at various events including: the South End Community Collaborative meeting; the Albany Normans Kill Neighborhood Association; Civilian Oversight of Law Enforcement Options for Westchester Communities forum; Local Government Lab – Community Engagement in Practice: Addressing Justice hosted by the Rockefeller Institute of Government; Albany Law School First Mondays program entitled The Racialization of Modern Policing; and City Council Conversations – Civilian Complaint Review Board in Mt. Vernon.

Awards & Recognition

On November 9, the Capital Region office of the New York Civil Liberties Union recognized the CPRB with the Ned Pattison Award for its steadfast commitment to advocating for the community

and improving their relationship with the Albany Police Department. On November 11, the Brother of Nu Tau Chapter of Omega Psi Phi Fraternity presented Nairobi Vives, Chair of the CPRB, with the prestigious Women of Color Award in recognition of her exceptional leadership in promoting justice.

Partnerships & Collaborations

The CPRB partnered with AVillage Inc. and hosted a two-part series of dialogues to reimagine public safety and empower community members with tools for oversight of policing in Albany. The first series discussed the history of community oversight of policing in the City of Albany, community and police interactions, procedural reforms, and the modernization of public safety. The final discussion in the series focused on essential changes to oversight, accountability, training, and police policies needed to transform public safety into a system that works for all. This event aimed to empower our communities to participate in shaping what public safety looks like and the approach to public safety that truly protects everyone from harm.

On May 9, 2023, the Board provided its training on the Overview of Police Oversight and the Albany Community Police Review Board to the Albany Police Department's newly hired officers for APD Academy Session 10.

COMPLAINTS AND INVESTIGATIONS

For most community members, contact with the CPRB begins with filing a complaint alleging police misconduct.

Complaint Review Summary

For complaints filed before the passage of Local Law J, the Board begins reviewing each case after it receives a "preliminary" report from the Albany Police Department's Office of Professional Standards (OPS). The OPS report recounts the facts of the complaint, the facts revealed by OPS' investigation, and OPS' recommendations about the case.

Each Board member is entitled to view that report and the report prepared by any individual appointed by the Board as an observer, monitor, or investigator. Board members are also entitled to question the OPS investigator who was principally responsible for preparing the preliminary report, as well as the individual appointed by the Board as an observer, monitor, or investigator. The Board also may request a fuller description of the matter than that contained in the preliminary report and may ask other questions that may enable them to vote on a fully informed basis. The Board then makes findings on each case, which are forwarded to the Complainant and the Albany Police Department.

New Complaints

There were 78 active cases (also referred to as complaints) in 2023. An "active case" is a filed complaint awaiting review by an OPS investigator and a member of the CPRB, except for those cases that were suspended because of pending litigation.

Between January 1, 2023, and December 31, 2023, the Board received 76 new complaints.

Complaints received include those filed with the Board directly and those filed with the Board through OPS. Of the 76 new complaints, 11 complaints were withdrawn by the complainants.

The CPRB occasionally receives complaints that fall outside of the Board’s jurisdiction. When that occurs, the complainant is notified and referred to the governmental entities with the jurisdiction to process their complaint. Of the 76 new complaints, 20 cases were determined to be outside of the Board’s jurisdiction.

Figure 1: New CPRB Complaints Filed by Month (January 1, 2023 to December 31, 2023)

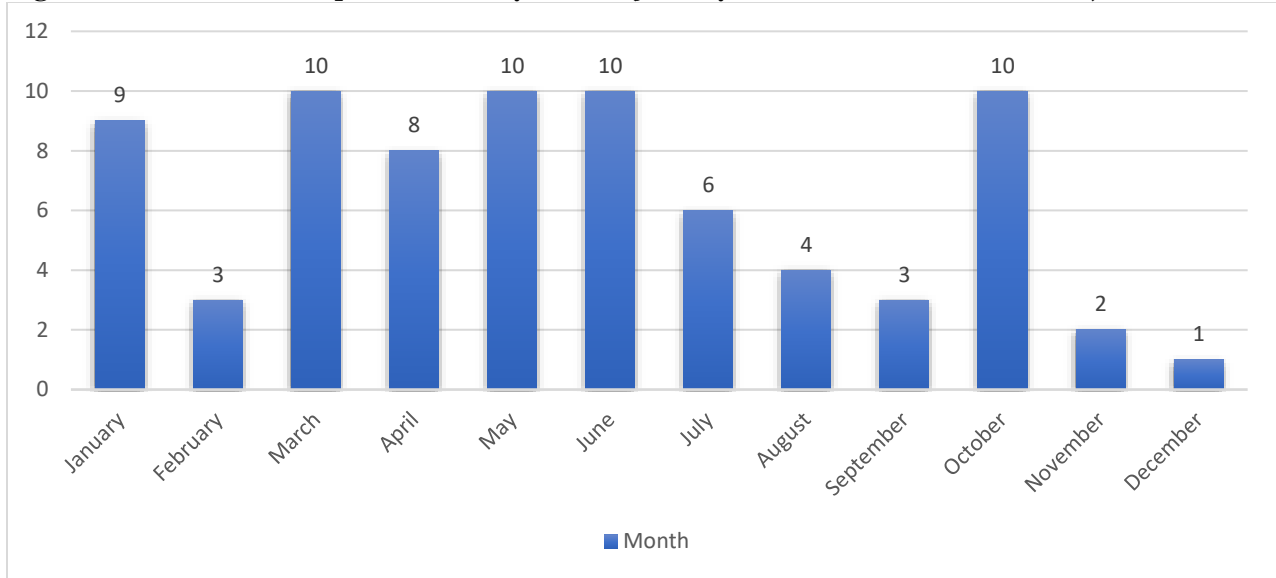


Figure 2: New CPRB Complaints by Year (January 1, 2013 - December 31, 2023)

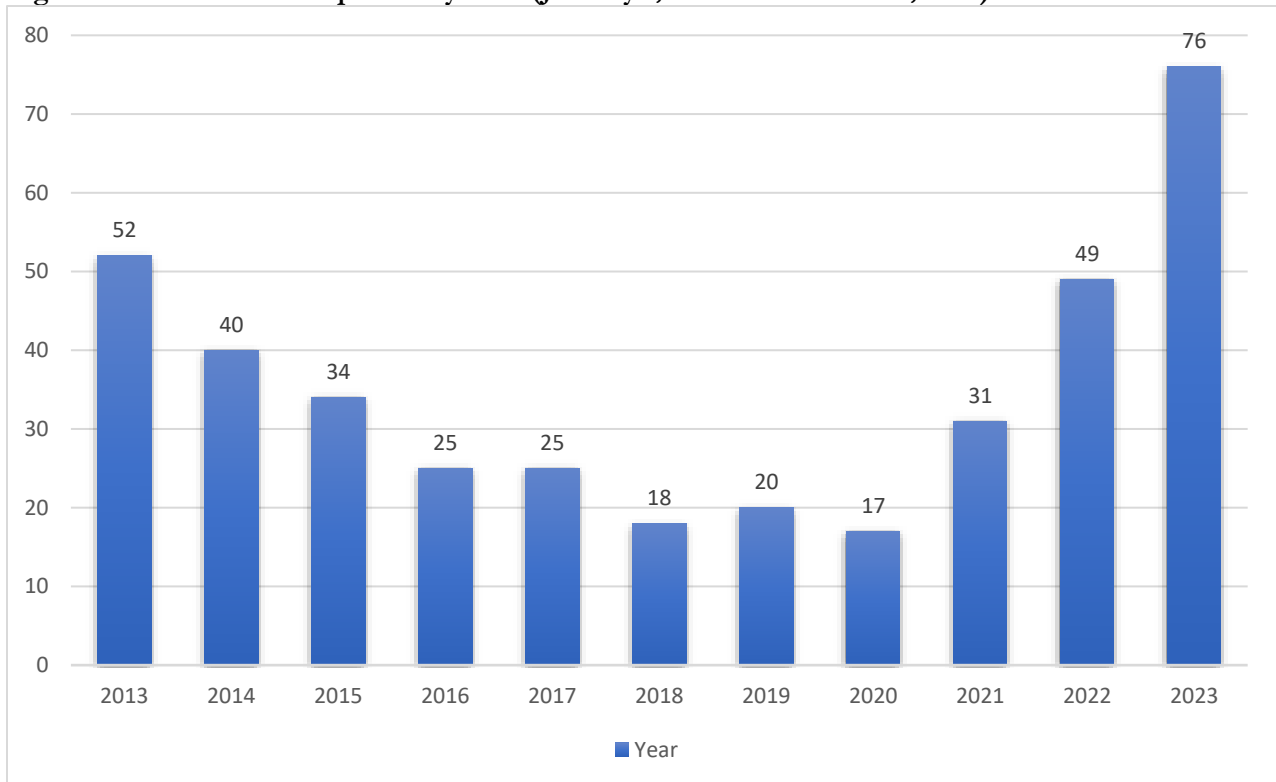
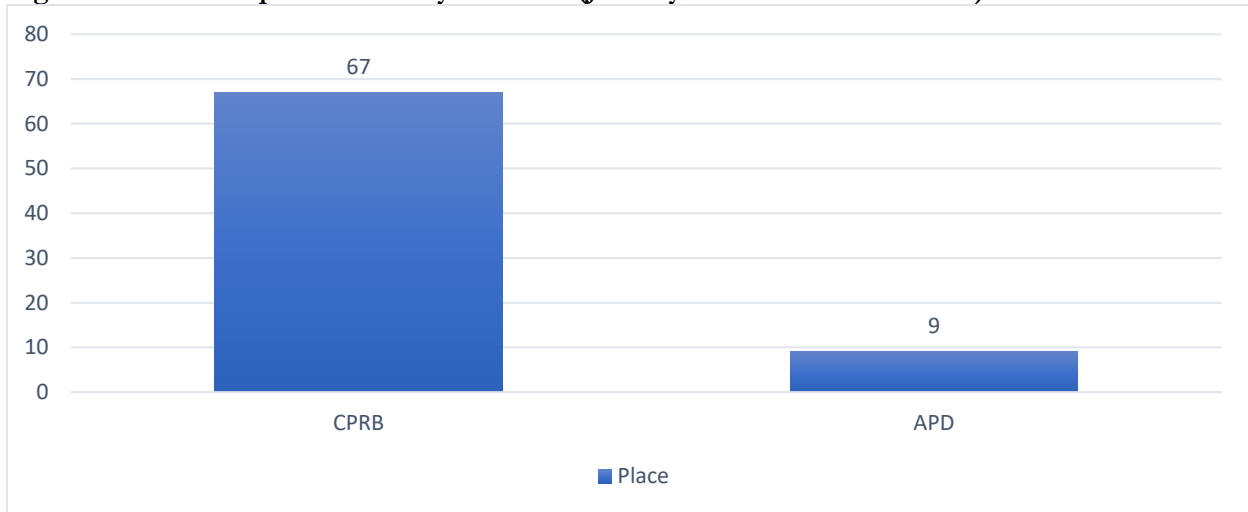


Figure 3: Total Complaints Filed by Location (January 2023 to December 2023)

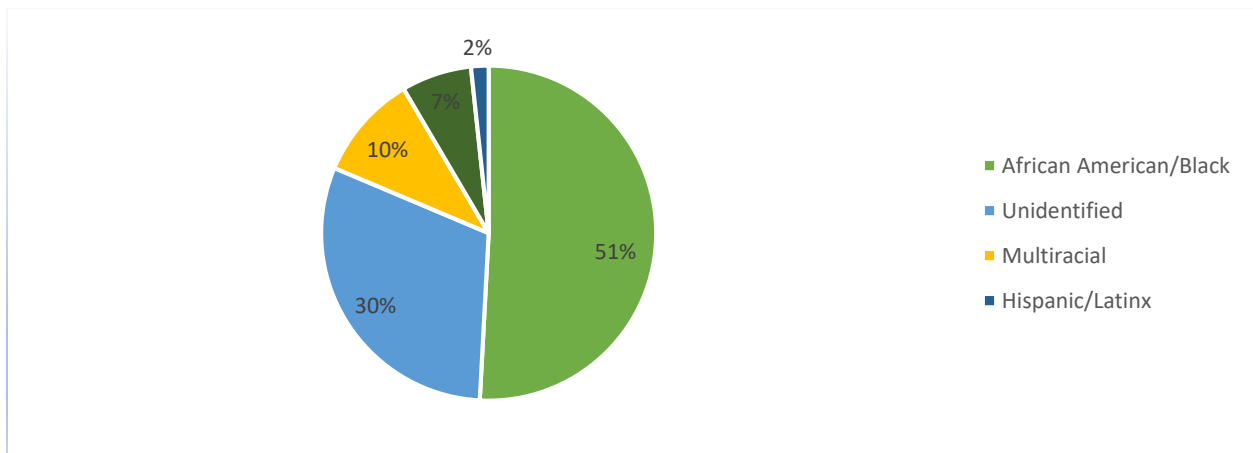


In the last 10 years (between January 1, 2013, and December 31, 2023), the Board received 387 complaints (see Figure 2). These complaints included those filed directly with the Board and those filed with the Board through OPS.

Race/Ethnicity and Gender of Complainants

The purpose of gathering demographic information about complainants is to be able to identify trends or disparities relating to individuals' encounters with law enforcement in the City of Albany. Providing this information is voluntary and not required to complete a civilian complaint.

Figure 4: Race/Ethnicity of Complainants in 2023

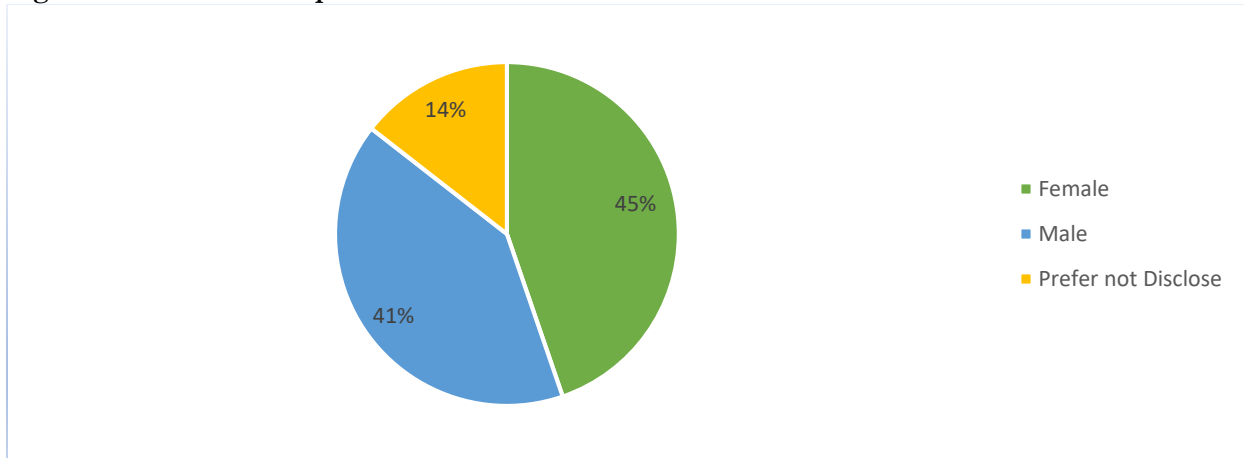


Complainants who file a complaint form with the Board have the option to include information relating to their race/ethnicity and/or gender.

Of the 76 new complaints filed, 51% identified as Black/African American, 30% noted unidentified, 10% identified as Multiracial, 7% identified as Some Other Race, Ethnicity or Origin, 2% noted Hispanic/Latinx, fewer than 0% as White/Caucasian, and 0% noted Asian (see Figure 4). Of those

complainants, 30 individuals identified as Black/African American, 11 individuals failed to disclose their race/ethnicity, 6 identified as Multiracial, 4 identified as Some Other Race, Ethnicity or Origin, 18 preferred not to disclose their identity, 1 identified as Hispanic/Latinx, 0 identified as White/Caucasian, and 0 identified as Asian.

Figure 5: Gender of Complainants in 2023

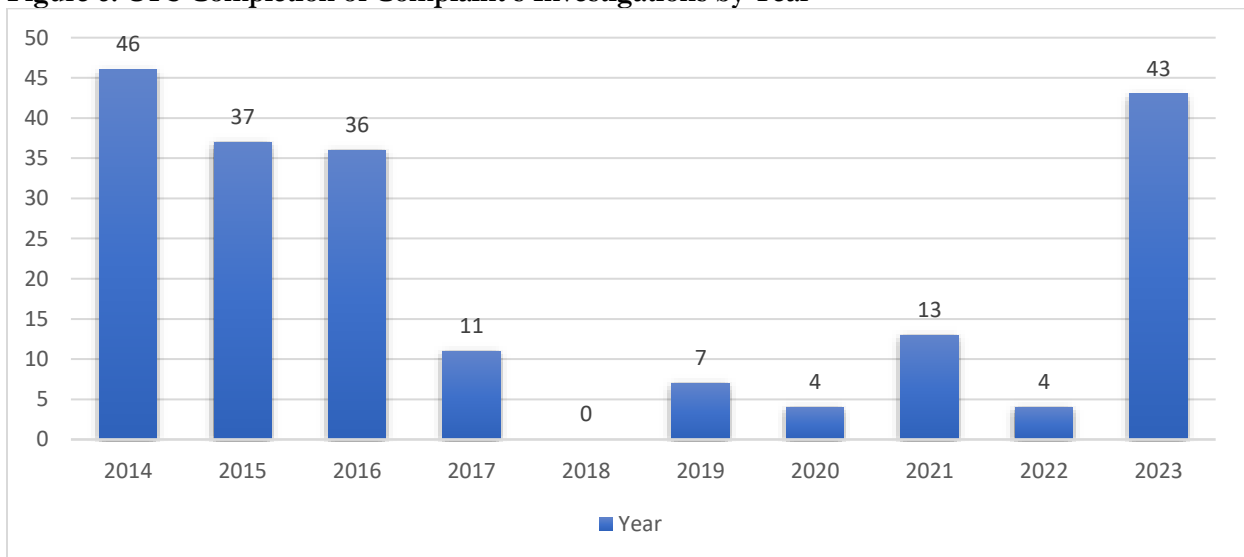


Among those complaints, 41% of complainants identified as male, 45% as female, and 14% did not disclose a gender identity (see figure 5). 31 complainants identified as male, 34 as female, and 11 complainants failed to disclose their gender.

Findings

In 2023, the Board reviewed (i.e., voted on) 24 complaints. This is a 500% increase from 2022, when the Board reviewed four complaints. Some complaints consist of multiple allegations made against the officer(s). The findings of these reviews can be found in the Board’s quarterly reports. OPS has completed investigations on 43 complaints during this reporting period, marking a 975% increase from 2022, when the Board received four OPS reports.

Figure 6: OPS Completion of Complaint’s Investigations by Year



Allegations Contained in the Complaints

This section discusses the allegations made in the 24 complaints reviewed (i.e., voted on) from January 1, 2023 to December 31, 2023. The information serves as a benchmark from which the CPRB can track community concerns and grievances and analyze the data for possible trends and potentially the need to review and revise police policies – at a later date. The categories designated are based on the information reported in the civilian complaints. OPS and the Board do not categorize the allegations in complaints until they review them.

Each of the 24 complaints that were reviewed by the Board between January 1, 2023 and December 31, 2023 contained multiple allegations.

Figure 7: Outcome of CPRB Complaints Received (January 1, 2023 - December 31, 2023)

	Count
Arrest Authority and Procedures	2
False/Illegal/Improper/Unlawful Arrest	
Abuse of Authority	
Evidence & Property Handling	1
Abuse of Process	1
Department Procedure	2
Vehicle Operations	4

Call Handling	16
Call Handling and Procedure	1
Call Handling and Procedure for Dispatcher	1
Failure to Complete Report/Investigate Properly/Handle Report	0
Failure/Refusal to Provide Information/Assistance	
Illegal/Improper/Unlawful Stop OR Detention/Questioning/Search/Harassment	
Illegal/Improper/Unlawful Search	0
Body Worn Cameras, General Order No.: 3.2.15	3

Conduct Standards	16
Offensive Language (Inappropriate Language that is Derogatory, Profane, Offensive, Vulgar, Threatening, Racially-Biased and/or Unnecessary)	
Violation of Civil Rights	1
Racial Bias	0
Domestic Violence, General Order No.: 3.8.20	1

Use of Force	6
Excessive Use of Force	0

Improper Use of Force	0
Total	56

Chief's Quarterly Report of Disciplinary Investigations and Action

The Albany Police Department reported that disciplinary actions were taken by the department in the first, third and fourth quarters of 2023. There were no disciplinary actions taken by the department against any sworn members of the department during the second quarter of 2023.

New Investigations

The Board has voted to independently investigate the following six active cases (a few investigations involved multiple case numbers):

Complaint/Incident	Description	Status
Incident No. AD2022-002	Officer-involved shooting incident on January 24, 2022.	The investigation conducted by CPRB and OPS is ongoing.
CPRB Case No. 00000956	Officer-involved shooting incident, June 20, 2022.	The investigation conducted by CPRB and OPS is ongoing; A Protective Order has halted any further investigation of the incident.
Incident No. AD2023-020	Alleged use of force at a public park against a minor on May 31, 2023.	The investigation conducted by CPRB and OPS is ongoing.
Complaint No. CC2023-013	Alleged failure to investigate allegations of child sex assault and related conduct violations.	The investigation conducted by CPRB and OPS is ongoing.
South Station/Arch Street	<p>The CPRB received four civilian complaints related to the incidents at South Station in Albany on April 14 and April 22, 2021:</p> <ul style="list-style-type: none"> • CC2021-20 (alleged excessive force on April 14); • CC2021-010 (alleging 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); • CC2021-011 (alleging officers obscured or removed nametags and/or badges; that officer used excessive force; and that officer wore Blue Lives Matter or “thin 	The investigation conducted by CPRB and OPS has been concluded.

	<p>blue line” insignia on their riot gear on April 22);</p> <ul style="list-style-type: none"> • CC2021-012 (alleging excessive force on April 22, and refusal to share information with a parent about a child’s whereabouts). 	
<p>Complaint CC2022-016 (Closed)</p>	<p>Use-of-force incident involving a minor during Juneteenth on Central Avenue. The CPRB completed its independent investigation and recommended that the use-of-force allegations be substantiated. ADP did not respond until after the statute-of-limitations (SOL) deadline and did not disclose to the CPRB that it reached a different finding until after the SOL deadline.</p>	<p>The investigations conducted by CPRB and OPS have been concluded.</p>

Monitors

Under § 42-343(B)(1) of the City Code in effect during the reporting period, the Board is required 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 observe OPS investigations of 2 of the 76 complaints filed.

Mediation

After a complaint is filed, § 42-346(C) of the City Code provides that “the complainant or officer may at any time in the review process utilize the [Board’s] mediation process . . . to resolve the complaint.” Additionally, the Board is authorized under § 32-343(F)(4) to refer the complaint to mediation following its review and deliberation of the APD’s preliminary report of its findings.

The mediation program allows community members and police officers to address citizen complaints and concerns in a confidential, guided conversation with an impartial, trained professional. Mediation is an alternative to the standard traditional investigative process. It is a cooperative and voluntary process requiring the participating of all involved parties.

The Board forwarded no complaints to mediation this fiscal year.

Grievances

The Board received one new grievance form from OPS in the 2023 reporting year. Grievances are complaints received by OPS from community members who do not want to submit a formal complaint.

REPORTS

Five quarterly reports and one annual report were submitted to the Board for approval in 2023. Each report detailed the activities of the Board and the Government Law Center during the applicable time periods covered. A copy of each of these reports was submitted and filed with the Mayor, the Common Council, and the Chief of Police as required by § 42-340(c) of the City Code. Additional copies were forwarded to members of the public, community groups and organizations, and other interested parties on the Board's mailing list. These reports were also posted on the Board's website.

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
Albany Community Police Review Board

Approved by the CPRB:

APPENDIX A: DEFINITIONS

COMPLAINT - A written statement concerning police conduct which is either submitted to the Community Police Review Board for filing with the Albany Police Department or filed directly with the Albany Police Department.

GRIEVANCE FORM - An APD form used to gather contact information from the complainant and forwarded to the Government Law Center for CPRB outreach purposes.

CPRB or BOARD - The Community Police Review Board.

GOVERNMENT LAW CENTER (GLC) - The Government Law Center at Albany Law School.

MEDIATION - A structured dispute resolution process in which a neutral third party assists the disputants in reaching a negotiated settlement of their differences.

OFFICER - Any sworn police officer of the City of Albany Police Department affected by a complaint.

MONITOR – A qualified individual with an investigative background who the Board appoints to objectively investigate a complaint that involves allegations of excessive use of force and/or a violation of the complainant’s civil rights.

OFFICE OF PROFESSIONAL STANDARDS (OPS) - The Professional Standards Unit of the City of Albany Police Department.

FINDINGS – Section of 42-344A of Chapter 42, Part 33 of the Albany City Code charges the Board with making one of the following findings on each allegation by majority vote after review and deliberation on an investigation:

SUSTAINED – where the review discloses sufficient facts to prove the allegations made in the complaint.

NOT SUSTAINED – where the review fails to disclose sufficient facts to prove or disprove the allegation made in the complaint.

EXONERATED – where the acts which provide the basis for the complaint occurred, but the review shows that such acts were proper.

UNFOUNDED – where the review shows that the act or acts complained [of] did not occur or were misconstrued.

INEFFECTIVE POLICY OR TRAINING – where the matter does not involve guilt or lack thereof, but rather ineffective departmental policy or training to address the situation.

NO FINDING – where, for example, the complaint failed to produce information to further the investigation; 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.

MEDIATION – where the complaint is resolved by mediation.

REFERRED BACK TO OPS FOR FURTHER INVESTIGATION – where the Board refers a case under review back to OPS to reexamine or investigate a particular issue or material fact(s).

DEFERRED VOTE – where the Board delays or postpones a vote pending additional information or facts from OPS.

APPENDIX B: BACKGROUND AND BOARD MEMBERSHIP

BACKGROUND

The Board is an independent body established by the City of Albany in 2000 to improve communication between the police department and the community, increase police accountability and credibility with the public, and create a complaint review process that is free from bias and informed by actual police practice.

In addition to its authority to review and comment on completed investigations of complaints of alleged misconduct made by community members against officers of the Albany Police Department, the nine-member Board may make recommendations to the Common Council and the Mayor regarding police policies and practices relevant to the goals of community policing and the exercise of discretionary authority by police officers. The Mayor and the Common Council appoint Board members. In a unique arrangement, the Government Law Center (GLC) at Albany Law School provides substantial support services to assist the Board in its duties and responsibilities.

In November 2021, the Board was granted additional powers and duties by the ratification of Albany Local Law J of 2020. During the period covered by this report, the Board has been in a transition process to be in a position to fully exercise those new powers and meet its new responsibilities.

Most of the legislation that creates and governs the Board is part 33 of Chapter 42 of the Code of the City of Albany, which can be found online here: ecode360.com/7680044. More information on the Board and a copy of Local Law J of 2020 can be found on its website, albanycprb.org.

BOARD MEMBERSHIP

The Board is comprised of nine members, five appointed by the Common Council and four appointed by the Mayor, who serve for three-year staggered terms.

The following members constituted the Board during the period covered by the 2023 annual report.

Common Council Appointees

Nairobi Vives, *Chair*

First Appointed 06/15/2020

Veneilya Harden, *Vice Chair*

First Appointed 10/20/2017

Paul Collins-Hackett, *Secretary*

First Appointed 12/21/2020

Matthew Ingram

First Appointed 10/17/2017

Antoinette Santos

First Appointed 12/21/2022

Mayoral Appointees

Kevin Cannizzaro

First Appointed 5/10/2021

Reverend Dr. Victor L. Collier

First Appointed 3/22/2016

John Levendosky

First Appointed 10/26/2021

Victor Person

First Appointed 1/22/2021

APPENDIX C: BOARD MEMBER BIOGRAPHIES



Nairobi Vives, Esq., *Chair*

Nairobi Vives was appointed as Chair of the City of Albany Community Police Review Board in 2021. Ms. Vives hails from Albany, her hometown, with roots deeply intertwined in the vibrant South End community. She completed her undergraduate journey in 2009, earning a dual degree in Political Science and Economics from the University at Albany, SUNY. Seeking higher educational horizons, Nairobi pursued her studies at Temple University in Philadelphia, Pennsylvania. It was there that she achieved her Juris Doctorate Degree, graduating with honors in May 2012 from Albany Law School. During her time at Albany Law School, she showcased her legal acumen as a distinguished member of the Albany Government Law Review. Her prowess in advocacy led her to secure the esteemed Karen C. McGovern Senior Prize Trial for “Best Oral Advocate.” Nairobi also honed her skills through a pivotal judicial externship at the Albany Law Clinic & Justice Center, working under the guidance of Hon. Lawrence Kahn in the U.S. District Court for the Northern District of New York.

Nairobi’s legal journey has been diverse and impactful. Her early career saw her as a stalwart defender in intricate workers’ compensation litigation for the New York State Worker’s Compensation Board. She possesses a comprehensive legal background, encompassing multifaceted areas such as construction, employment claims, environmental law, and real property matters. Her tenacity led her to serve as Associate Counsel to the New York State Assembly for two productive years. In this role, she provided astute legal counsel to NYS Assembly members and committee chairs on matters spanning legislation, program development, and budgeting. Presently, Nairobi lends her expertise to matters central to diversity, equity, and inclusion.

Outside of her professional responsibilities, Nairobi actively engages in pro bono initiatives that underline her commitment to justice and community. She ardently participates in projects like the Legal Immigrant Detention Outreach Project and the Legal Project Uncontested Divorce Clinic. Nairobi’s dedication extends to community-building efforts, including her involvement in the Albany County Bar Association’s “Attorney for a Day” Program, Small Business Formation / Consultation endeavors, and offering counsel to various protest arrestees.

Nairobi’s dedication to her community is palpable. Her steadfast commitment led to her appointment to the Albany Community Police Review Board (CPRB) in June 2020. She has since risen to the esteemed position of CPRB Chair, assuming this pivotal role in 2021. Through her leadership, Nairobi continues to champion fairness, accountability, and transparency in the community’s relationship with law enforcement.



Dr. Veneilya Harden, Ed.D., *Vice Chair*

Dr. Veneilya A. Harden, Ed.D., is currently serving as an Advocacy Specialist II within the New York State Office of Mental Health in the Division of Child and Adult State Operations. Dr. Harden has been serving on the board since 2017 and was appointed as Vice-Chair in 2021.

Dr. Harden possess a Doctorate of Education, and Ed., Bachelor of Science in Criminal Justice at Russell Sage College and a master’s degree in Counseling in Community Psychology with a certificate in Forensic Mental Health at Sage Graduate School in Troy, New York. During her graduate studies at Sage, Goodwin-Harden worked to bring awareness to HIV/AIDS, domestic violence, and mental health. Dr. Harden has done a variety of work in the Albany and Troy communities including local outreach/advocacy with at risk teens, connecting individuals struggling with addiction to treatment, and volunteering with Albany County Crime Victims as a crisis hotline volunteer.



Paul Collins-Hackett, Secretary

A Batman story... In a world plagued by fear, in a city haunted by neglect, a dark knight rose...

Born and raised in Albany, New York, Paul committed to helping others after the death of his father when he was 3. He helped care for his blind mother as they forged a path together. As Paul grew, programs such as the Big Brother Big Sister program and mentors such as Jim Snyder helped him develop. It was there he learned the importance of caring for others, and just how impactful a community can be on a child. Albany's Batman was born.

After graduating from Albany High and then Siena college, Batman joined with others to launch the non-profits "Tru Heart Inc" and "PULSE". He worked at a local homeless shelter and began to plan. He served our great city as Director of the summer youth employment program, providing income and opportunity to local families. Now, Batman is the Executive Director of The RED Bookshelf, where his team of superheroes inspires young readers.

Batman continues to bring others into this league to work with our youth and save the city. This, league, of concerned individuals became the blueprint for his work moving forward. In addition to his day job, Batman is on the board for the Albany Fund for Education, serves as Vice President of Tru Heart, is on the alumni board of the Sponsor a Scholar program, is Co-founder of PULSE, is on the steering committee of the Community Leadership Team for the Law Enforcement Assisted Diversion program, the Secretary of the Community Police Review board, the co-owner of a small business venture and more.

Despite his humble beginnings, Paul lives by the motto "what I do defines me", and is an example to others that where you begin is not where you have to end in life. The most important question in life is "how do we move forward". Paul does his best to be the change he wants to be and lead by example. We can all sleep peacefully knowing our Dark Knights are behind us. #SaveTheCity



Kevin Cannizzaro

Kevin Cannizzaro is a life-long City of Albany resident and passionate advocate for the community. He obtained his undergraduate degree from SUNY Buffalo in May of 2011 and his Juris Doctor degree from SUNY Buffalo Law School in May of 2015.

Kevin works as an attorney in the area whose practice focuses on civil rights litigation, personal injury matters, and various municipal governance matters. His practice focuses heavily on police-citizen interactions and constitutional issues that are associated with those interactions. Kevin currently serves in the Office of the Albany County Attorney, and previously held the position of Majority Counsel for the Albany County Legislature from 2018-2020. He is an admitted attorney in the New York State Supreme Court, the Federal District Court for the Northern District of New York, and in the Second Circuit Court of Appeals.

Kevin was previously appointed to and served as a member of the New York State Bar Association's Committee on Civil Rights from 2018-2019. In addition, he actively serves as pro bono counsel on the Pro Bono Attorney Panel for the Federal District Court for the Northern District of New York.

Matthew Ingram

Matt Ingram is an Associate Professor in the Department of Political Science at the Rockefeller College of Public Affairs and Policy at the University at Albany, State



University of New York (UAlbany). Ingram's research examines law, politics, violence, and methods, with a main geographic focus on Latin America. The centerpiece of his research thus far is his single-author book, *Crafting Courts in New Democracies: The Politics of Subnational Judicial Reform in Brazil and Mexico* (Cambridge University Press, 2016). Additional academic work includes articles in several peer-reviewed journals, an edited volume on justice reform in Latin America (*Beyond High Courts: The Justice Complex in Latin America*, co-edited with Diana Kapiszewski), chapters in multiple edited volumes, and policy papers and research reports for think tanks and institutes.

Prior to arriving at Rockefeller, Ingram held post-doctoral fellowships at the UC San Diego's Center for U.S.-Mexican Studies (2009-2010) and Notre Dame's Kellogg Institute (2011-2012). He was also an Assistant Professor of Political Science at the University of Massachusetts, Dartmouth (2010-2011). In 2012-2013, Ingram will offer courses in Comparative Judicial Politics, Comparative Criminal Procedure, and Latin American Politics. Prof. Ingram, born and raised in Mexico, speaks English, Spanish, and Portuguese.

Ingram holds a B.A. from Pomona College (1993), and both a law degree (J.D. 2006) and a Ph.D. in political science (2009) from the University of New Mexico and was a postdoctoral fellow at the Center for U.S.-Mexican Studies at the University of California, San Diego (2009-2010), and the Kellogg Institute for International Studies at the University of Notre Dame (2011-2012). Ingram also served as a probation officer and law enforcement in California.



John Levendosky

John Levendosky is a certified special education teacher working in the Capital Region. He received his MS.Ed. from the College of St. Rose in Adolescent Special Education. He received BA's in History and Philosophy from Manhattan College. He is the father of three young children in the Albany City School District and has been a proud Albany resident since 2009. Prior to moving to the capital region, he was a police officer in New York city and Washington, D.C.

As an educator, John has worked with students with intellectual disabilities and their families. In addition to working with this student population, John has experience working with at-risk youth learning in alternative educational settings. He is currently the chair of the Albany Ancient Order of Hibernians (AOH) Freedom for All Ireland (FFAI) Committee, working to create awareness of social justice, equitable policing, and intercommunity dialog in Northern Ireland.

John's community involvement also includes being a member of Albany's 9th Ward Committee, Albany County Democratic Committee Rule Committee Member, Albany County AOH Treasurer, Albany AOH Division Immigration Chairman, Board member/player of Albany's Gaelic Athletic Association (GAA), and a coach for his daughter's soccer team.



Victor Person

Victor Person received a master’s degree in Community Psychology and bachelor’s degree in Human Services from the Sage Colleges in New York. His skillset includes mental health counseling, crisis intervention, individual and group counseling, behavioral therapy and social work. Person is passionate about serving and giving back to the community having previously worked as a Training and Development Specialist at Berkshire Farm Centre, Substance Abuse Counselor at Whitney M. Young FACTS Program, and Prevention Specialist at Rensselaer County Mental Health.

Person also serves as an Assistant House Manager for Devereux Foundation in New York, working in tandem with residents’ medical and employment providers and assisting in the development and oversight of the community employment program.



Antoinette Santos

Antoinette “Toni” Santos was appointed by the Common Council on December 19, 2022 to replace Zachary Garafalo, whose term is expired on October 26, 2022.

Antoinette “Toni” Santos is a retired New York State employee with over 35 years of state service. Ms. Santos began her career in 1982 as a Mental Hygiene Therapist Aide (MHTA) at Pilgrim Psychiatric Center (Brentwood, NY), ending her career in 2020 as an Affirmative Action Administrator II with the New York State Governors Office of Employee Relations (NYSGOER).

In 1986, Ms. Santos began her career in Law Enforcement with the New York State Department of Corrections and Community Supervision (NYSDOCCS) as a Corrections Officer. Upon being afforded several opportunities for career advancement, she achieved the rank of Assistant Deputy Superintendent/PREA (Prison Rape Elimination Act) Compliance Coordinator and, in 2014, became a certified PREA Auditor with the Department of Justice (DOJ). While employed with NYSDOCCS, she received specialized training regarding Security Threat Groups, Crisis Intervention, Investigative Interviewing and basic Firearms/Chemical Agents training.

As a recent retiree, Ms. Santos is currently a member of the Board of Directors as the Vice President and kitchen volunteer at the South End Children’s Café in the South End of Albany, NY. The mission of the South End Children’s Cafés is to address food equity and food insecurities, enhance our youth’s academic success, and positively influence their physical and mental health by offering free, healthy meals and after-school homework assistance.

Outgoing Board Members



Rev Dr. Victor Collier

Victor Collier is the Pastor of Mount Olivet Baptist Church of Empowerment in Saratoga Springs. Reverend Collier retired from NYS Office of Mental Health as Sr. Administrative Analyst and Assoc. Computer Analyst. His career also includes Substance Abuse Counselor at Whitney M. Young Jr. Methadone Medical Maintenance Program, Correctional Officer at Albany County Correctional Facility. He served on the Albany County District Attorney Offices’ Community Accountability Board, and successfully completed the Federal Bureau of Investigation Citizens Academy. He received Bachelors, Masters and Doctorate degrees in African and Afro-American Studies from SUNY Albany. He received his Doctrine of Theology and Honorary Doctrine of

Divinity from Universal Life Church in Modesto, CA.

***Rev Dr. Collier’s last full term allowed by the Code ended in October 2023**



80 NEW SCOTLAND AVENUE
ALBANY, NEW YORK 12208-3494

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

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

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

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

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

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

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

II. APPROVAL OF AGENDA (N. Vives)

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

III. CASE REVIEW AND UPDATE

CC2023-015 (J. Levendosky)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

CC2023-022

(J. Levendosky)

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

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

John Levendosky noted that Officer One's de-escalatory techniques were in line with what he was educated in. Nurses at the Hospital told Officer One that multiple staff members were assaulted but did not provide any additional information. Officer One, Two, Three, and Four removed Patient to a less crowded area of the ER. The officers attempted to put Patient in a stretcher but he was not compliant, resulting in the officers having to physically restrain Patient. Patient was charged with criminal mischief for obstructing obstruction to and harassment to and the mental hygiene law 8 NYH-4. John Levendosky stated that the charges were filed once the ER staff gave the required information.

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

Chair Vives opened the floor to questions from board members.

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

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

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

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

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

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

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

IV. SUBPONEA CONSIDERATION

(N. Vives)

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

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

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

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

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

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

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

VI. COMMITTEE REPORTS

PUBLIC OFFICIAL (N. Vives)

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

BYLAWS AND RULES (A. Santos)

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

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

INVESTIGATIONS

(J. Levendosky)

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

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

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

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

POLICE DEPARTMENT LIAISON

(Dr. V. Harden)

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

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

DISCIPLINARY MATRIX

(N. Vives)

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

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

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

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

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

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

COMMUNITY OUTREACH

(M. Andre)

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

MEDIATION

(M. Andre)

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

OFFICE OF PROFESSIONAL STANDARDS

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

REPORT FROM THE CHAIR

(N. Vives)

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

VII. NEW BUSINESS

(N. Vives)

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

VIII. PUBLIC COMMENT

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

IX. ADJOURNMENT

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



Bylaws and Rules of the Community Police Review Board of the City of Albany, New York

Updated: January 17, 2024

Effective Date: February 8, 2024

The Community Police Review Board (hereinafter referred to as the “Board”) shall seek to fulfill the purpose and goals established by the Common Council for the Board in paragraph E of section 42-332 of Part 33 of Chapter 42 (Departments and Commissions) of the City of Albany. Consistent with the express understanding of the Mayor, the Common Council, the Albany Police Department (hereinafter referred to as the “Department”) and the people of the City of Albany, the Board shall serve as an independent, autonomous body concerned with the welfare of all the people of the City of Albany. In furtherance of the mission given to the Board by the Common Council, the Board shall promote and enhance a relationship of mutual respect, understanding and trust between the people of the City and the members of the Department.

The Board shall promote and implement, in concert with involved stakeholders, including but not limited to the Mayor, the Common Council, the Department, and interested civic groups, programs and practices to achieve positive interaction among the Department, the City administration and all members of the community, irrespective of age, race, ethnicity, religious, philosophical or political persuasion, gender, sexual orientation or economic status.

The Board encourages all persons with a legitimately founded complaint of misconduct by an officer or employee of the Department, including, but not limited to, complaints of excessive use of force or violation of civil rights (including complaints pertaining to civil rights as defined by New York Civil Rights Law, ch 6, art. II, and discrimination based upon protected characteristics as defined in New York Human Rights Law, ch. 18, art. XV), to submit such complaint in writing to the Board or the Department.

The Board and its members shall execute their duties and responsibilities and apply the powers granted to them in accordance with the provisions of local law set forth in such Part 33, as it may be amended from time to time, and shall act in compliance with all State laws applicable to the conduct of the affairs of the Board.

Effective with the date of approval of these Bylaws and Rules by the Common Council, the Board shall assume responsibility for all civilian complaints of misconduct by officers and employees of the Department pending before the Community-Police Relations Board as of such approval date. The Board shall act upon such pending complaints as if the same had been filed originally with the Board.

ARTICLE I: NAME

Section 1. Name of Board. The Name of the Board shall be the Community Police Review Board.

ARTICLE II: LOCATION

Section 1. Location of Board; Official Mailing Address. The location of the Board shall be the City of Albany, New York.

The official mailing address of the Board shall be:

Community Police Review Board
C/O The Government Law Center
Albany Law School
80 New Scotland Avenue
Albany, NY 12208

All persons and other entities wishing to correspond with the Board for any reason, including the submittal to the Board of a civilian complaint against any officer or employee of the Department, shall direct correspondence to the Board at its official mailing address.

ARTICLE III: MEMBERSHIP

Section 1. Membership of the Board. The members of the Board shall be appointed by the Mayor and Common Council as provided by section 42-334A of such Part 33.

Section 2. Terms of Members. Members of the Board shall be appointed for three-year terms, provided that, of members initially appointed by the Common Council, one shall be for a term of one year, two shall be for a term of two years, and two shall be for a term of three years; of members initially appointed by the Mayor, one shall be for a term of two years and two shall be for a term of three years, pursuant to section 42-334 of such Part 33. Members of the Board shall be subject to the two-consecutive term limitation pursuant to section 42-334 of such Part 33 and may be considered for reappointment to the Board after one year of non-membership. Members of the Board shall continue to serve until their successors have been appointed. The members of the Board shall annually elect an individual from their membership to serve as Chair.

Section 3. Attendance at Board Meetings; Removal for Excessive Absences. The qualification of members of the Board, the removal of members, and the filling of vacancies on the Board shall be governed by the provisions of sections 42-335, 42-336 of such Part 33. Upon the unexcused absence of any member of the Board from three consecutive regular monthly meetings of the Board, or upon the unexcused absence of any member from six of more regular monthly meetings of the Board during any 12-month period, the Board may, by two-thirds vote of the entire Board, recommend to the Common Council that it remove such member for cause.

After completion of the roll call at each regular monthly meeting, the Chair shall announce each absence that the Chair has excused for substantive and valid excuse and the same shall be recorded in the minutes of such meeting.

Section 4. Completion of Orientation Program by New Members. Within thirty days following the appointment of a new member, such new member shall complete the orientation program prescribed in section 43-339 of such Part 33. No member may participate as a voting member without completion of such program.

Section 5. Procedure for Initial Case Review by Newly-appointed Members. Upon the first assignment of a case to a newly-appointed member, the Chairperson shall also designate another member of the Community Police Review Board who has completed a minimum of three (3) case reviews, to accompany the newly appointed member on their first case review and assist them in analyzing the complaint and take any and all necessary steps in orienting the new member to the review process.

Section 6. Resignations from the Board. Any member of the Board seeking to resign from it shall submit his or her resignation in writing to the appropriate appointing authority and also to the Chair of the Board.

Section 7. Filling of Board Vacancies in Timely Manner. Upon the creation of a vacancy on the Board because of resignation, death, disqualification or removal of a member, the Board shall give public notice of such vacancy to the media in order to inform persons interested in becoming a member of the Board to make applications for appointment to the appropriate appointing authority, and shall also request the appropriate appointing authority to fill the vacancy within 30 days in order to facilitate satisfaction of the quorum requirements of the Board.

ARTICLE IV: OFFICERS

Section 1. Election of Officers. The members of the Board shall annually elect from their membership a Chair, a Vice-Chair and a Secretary and such other officers as the Board may determine by resolution. Except as provided below, such election shall take place at the first regular meeting of the Board in January of each year. Nominations for the election of offices shall be made at the regular monthly meeting immediately preceding the meeting at which elections are to take place. The term of the Chair and other officers shall commence on the date of their election and shall end upon the date when their successors have been elected and qualified.

The Temporary Chair, Vice-Chair and Secretary elected at the initial meeting of the Board held on November 30, 2000, shall continue to serve in their temporary capacity until their successors have been elected and qualified as set forth below. For the initial election of officers in the year 2001 only, nominations for the election to the office of Chair, Vice-Chair, Secretary, and such other officers as the Board may establish, shall be made at the first regular monthly meeting, or at a special meeting called for that purpose, following approval of the Bylaws and Rules by the Common Council. Consideration upon such nominations shall be determined by election at the regular monthly meeting or special meeting called for that purpose, next succeeding the meeting at which nominations are made.

Section 2. Powers and Duties of the Chair. The Chair shall:

- (a) be the presiding officer at all regular, special and emergency meetings of the Board and shall be authorized to

call special and emergency meetings.

- (b) establish such ad hoc committees of the Board, not otherwise created by these Bylaws and Rules, as may be necessary or desirable for the Board to conduct its business.
- (c) appoint the chair and members of all committees of the Board and specify the duties of such committees except as such duties may be expressly set forth in these Bylaws and Rules or be altered or modified by the Board. All such appointments shall continue at the Chair's discretion, provided that a chair of a committee established by these bylaws shall not be removed by the Chair except upon a majority vote of the members of the Board. The Board, by a majority vote of its members, may recommend to the Chair the name of a member to be considered by the Chair for appointment as the chair or a member of a committee.
- (d) serve as chair of the committee on public official liaison and serve as an ex-officio member of all other committees of the Board.
- (e) perform all duties incident to such office and such other duties as may be prescribed by these Bylaws and Rules, or delegated to the Chair by the members from time to time.
- (f) decide on all points of order and procedure during the meetings, and the Chair's decision shall be final unless overruled by a majority vote of the members.
- (g) appoint a Parliamentarian to assist the Chair.
- (h) be the principal spokesperson on behalf of the Board and may designate another member of the Board as a media liaison officer to assist the Chair with respect to media relations.

Section 3. Powers of Duties of the Vice-Chair. In the absence of the Chair, or in the event of the Chair's resignation, death, disqualification, removal or inability or demonstrated continued refusal to fulfill the powers and duties of the office of the Chair, the Vice-Chair shall perform the powers and duties of the Chair and, when so acting, shall have all the powers and duties and be subject to all the restrictions upon the Chair. The Board shall determine by a majority vote if the Chair has demonstrated a continued refusal to fulfill the powers and duties of the office. When the Vice-Chair succeeds to the office of Chair in the event of resignation, death, disqualification, removal, or by a vote of the Board as authorized in this section, they shall complete the term of the Chair. In the event that the Vice-Chair notifies the Board in writing that they are unwilling to accept the responsibilities of the Chair for any reason, then both the office of Chair and Vice-Chair shall be deemed vacated and the Board shall proceed to nominate and elect a Chair and Vice-Chair at a special meeting to be called by the Secretary within 7 days of the date when the Vice-Chair provided the Board with such written notification. The Secretary shall act as Chair during the meeting to nominate and elect a new Chair and Vice-Chair and also during the interim period between the date when written notification is made and the special meeting is conducted.

Section 4. Powers and Duties of the Secretary. The Secretary shall have the primary responsibility for the preparation of the minutes of all meetings of the Board, including minutes of executive sessions of the Board as authorized under the Open Meetings Law (Art. VII of the New York Public Officers Law). The Administrative Agency, as set forth in Part 33, shall assist the Secretary in his or her duties. In order to enable the Secretary to be fully involved in the deliberations of the Board, the Secretary, with the consent of the Board, may utilize the services of a stenographer or a recording device as made available by the Administrative Agency for the purposes of the preparation of accurate Board minutes.

If the Board authorizes the use of a stenographer or a recording device during the course of any meeting, including a closed executive session, to facilitate the preparation of minutes, the Board shall direct that all stenographic documents or

recordings of any such meeting shall be maintained by the Board for the period of time specified in section 57.25 of the New York Arts and Cultural Affairs Law. If the use of a stenographer or recording device has been so authorized, the Secretary, on behalf of the Board, shall review the stenographic or recording device record of the discussions conducted by members at meetings and shall prepare minutes that accurately summarize the essential and material matters discussed and determined by the Board. Such minutes shall recite the votes of each member taken by a roll call pursuant to section 11 of Article V of these Bylaws and Rules. The Secretary may secure the assistance of the Administrative Agency to prepare such minutes.

The minutes of an executive session shall be approved only in an executive session meeting. The minutes of the executive sessions of the Board required to be taken by the Open Meetings Law of the state shall be modified by redaction or otherwise to the full extent permitted by such law in order to protect statutorily protected rights of privacy and confidential material safeguarded by exemptions applicable to the conduct of such executive sessions.

Section 5. Powers Duties of Other Officers. The duties of such other officers as the Board may establish from time to time shall be those that are assigned to such officers by the Chair and those that may be specified by the Board in the motion providing for the establishment of such officers.

ARTICLE V: OFFICIAL STATEMENTS OF THE BOARD

Section 1. Official Statements of the Board. It is the intention of the board to promote full, active, and meaningful participation by the members of the Board in the undertaking of their responsibilities as members. It is the further intention of the board to encourage the exercise of thoughtful discretion in order to curtail or minimize the potential for inconsistent public statements made by members of the Board that may be construed by the public or the media in a manner detrimental to the fulfillment of the Board's mission under Part 33 and these bylaws.

Only the Chair or his or her designated media liaison officer shall make official statements for the Board. Except when expressly authorized by the Chair to speak on behalf of the Board, each member shall refrain from speaking for the Board and shall make diligent efforts to avoid the appearance of doing so. When a member is invited to participate in an event or to make a presentation in his/her official capacity as a member of the Board, such member shall make diligent effort to notify the Chair as far in advance as possible and, where not possible to notify the Chair in advance, to do so promptly following such presentation. Whenever a member has participated in an event of general topic or special interest, but not in his/her capacity as a member of the Board, and has, nevertheless, been called upon to speak about issues concerning the Board, such member shall notify the Chair promptly thereafter. Nothing herein shall be deemed, however, to prohibit a member from expressing individual opinions or perspectives.

ARTICLE VI: MEETINGS

Section 1. Regular Monthly Meetings. The Board shall hold a regular monthly meeting in each month from September through June at a time and place to be determined by the Board. If feasible, based upon summer vacation considerations of members and the likelihood of obtaining a quorum, the Board may schedule regular monthly meetings for the months of July and August. In the event that a serious and emergent matter involving the public interest for which the prompt attention of the Board as a body is necessary or appropriate shall arise in either of such months, the Chair shall exercise prudence and due diligence in calling a special emergency meeting to address such matter at that time. The time and place for such special emergency meeting shall be determined by the Chair and communicated to the members in writing at least seven days prior to the meeting. The Chair shall send a copy of the proposed agenda for each such special emergency meeting and regular

monthly meeting held on an altered date to each member with the notice of such meeting. The Chair shall send a copy of the proposed agenda for each other regular monthly meeting to each member at least seven days prior to such meeting.

A member may request the Chair in writing to add an item of consideration to the agenda. Such request shall be made at least fourteen days prior to the date of the communication meeting to which it pertains. At the completion of the roll call at a regular monthly meeting, a member may request an item to be added to the agenda by motion and such item shall be so added upon a vote of a majority of members. Except with respect to issues raised during the public discussion period or in response thereto, care shall be taken by members to avoid discussions of non-agenda items. The Chair shall be diligent in the enforcement of the provisions of this section so that meetings of the Board shall be conducted in an orderly manner.

Section 2. Calling of Special and/or Emergency Meetings. The Chair may call special and/or emergency meetings in his or her discretion for substantial reasons warranting the convening thereof and shall also call such meeting upon the written request of at least three members of the Board. A notice to the board members stating the place, date, hour and agenda (as determined by the Chair in the furtherance of his or her exercise of discretion, or to cover subject matter specified in the request made by the herein above specified individuals) shall be delivered either verbally or in writing, as practicable, to each member at least 24 hours prior to the special or emergency meeting. Where time permits and practicable conditions allow, the Chair shall attempt to disseminate a brief written statement of the matters to be discussed at any such meeting.

Section 3. Public Notice of Board Meetings. The Board shall give public notice of regular monthly meetings and special and/or emergency meetings. The meeting notification requirements of the Open Meetings Law of the state shall apply to the regular monthly meetings. Print, television, radio and other news media entities that have requested the Board to be notified regarding special and/or emergency meetings shall be given as much advance notice as practicable before the time of any such special and/or emergency meeting. The Administrative Agency will coordinate the giving of notice as required under this section.

Section 4. Agenda Form of the Board. The regular order of business at regular, special and/or emergency meetings shall be as follows:

Regular Monthly Meetings

- (a) Call to order
- (b) Roll call
- (c) Acceptance of minutes of last regular meeting of Board
- (d) Changes to agenda
- (e) Public comment
- (f) Communication made to the Board from the Mayor, President or Members of the Common Council or Chief of Police
- (g) Board member announcements
- (h) Report from the Chair
- (i) Committee reports
- (j) Old business
- (k) New business
- (l) Review of complaints
- (m) Adjournment

Special and/or Emergency Meetings

- (a) Call to Order
- (b) Reading of the notice of the meeting and roll call
- (c) Public comment
- (d) Transaction of the business for which the meeting was called and recommendations.
- (e) Call of executive session if warranted.
- (f) Adjournment

Such order may be varied at the discretion of the Board or the Chair.

Section 5. Voting by Proxy Prohibited. There shall be no vote by proxy at any meeting of the Board.

Section 6. Public Comment Allowed. Time shall be made available for open public comment at all meetings of the Board, exclusive of those portions of a meeting conducted in executive session. The Chair may establish a reasonable time limit for public comment based upon the scope of the agenda established for the particular meeting. The Chair shall announce the time limit for public comment, which time limit shall not ordinarily be less than 30 minutes. The Chair, or the Board, upon motion approved by a majority of its members, may provide for an extension of the time period for a period as specified in the motion. The Chair shall recognize speakers and may establish uniform time limits per speaker, which time limits shall not ordinarily be more than three minutes per individual. Public comment shall be limited to matters which involve the Albany Police Department and the responsibilities of the Board under Part 33. The public comment portion of the meeting shall not be used as a forum to comment upon other matters of public interest which are not directly related to the mission of the Board.

Section 7. Making of Motions. Motions may be made or seconded by any member of the Board, including the Chair.

Section 8. Confidentiality of Privileged Information. Members of the Board shall maintain the confidentiality of all confidential or privileged information received in the course of their service on the Board, in accordance with the provisions of State and local law, including but not limited to Part 33 and Section 50-a of the Civil Rights Law of the State of New York. Members shall maintain a thorough knowledge of the legal protection accorded by State and local law to the privacy of police records, including the penalties for the violations of laws which guarantee the security of such records and the individuals' rights of privacy and confidentiality.

Except as expressly authorized by the Chair or the Board in the furtherance of members duties, members of the Board shall make diligent efforts to avoid ex parte discussion of any matter that is or may come before the Board with any person interested in such matter. A member who has had an unauthorized communication concerning an agenda item outside of a public meeting with an interested party, including but not limited to a complainant, an officer or other employee of the Department who is a subject of a complaint, a witness to the events giving rise to such complaint, any person representing or purporting to represent the interests of any such person, or a relative of any such complainant, officer or employee of the Department or witness, shall promptly notify the Chair of the contact, and furnish to the Chair the name of such interested party, the nature of the interest and the specifics of the communication, including copies of any correspondence with such party and a written synopsis of any portion of the communication that was verbal.

Section 9. Recommendation for Removal of a Member for Violation of Provisions Relating to Confidential and Private Information. The Board, by a vote of at least six members, may recommend to the Common Council the removal of a

member from the Board for cause based upon a violation of the provisions of section 8 of this article or any provision of Part 33 or other local or state law that guarantees the security of confidential records or the rights of privacy for individuals, including, but not limited to, complainants and any officer or other employee of the Department who is the subject of a complaint.

Section 10. Conflicts of interest; Member Recusal. Members who believe they have a conflict of interest on a matter about to come before the Board shall state the reason for the conflict of the interest, leave the meeting before discussion of the matter begins, and remain out of the meeting during the discussion of the matter and during any vote taken thereon.

Section 11. Voting. Five members of the Board shall constitute a quorum. The Board shall take no action at a meeting other than to recess or adjourn in the absence of a quorum. Except as otherwise provided herein, the affirmative vote of no fewer than five members is required for adoption of any action or motion, including a motion for the Board to conduct an executive session under Article VII of the Public Officers Law of the State of New York. Upon request of any member, voting on a motion or resolution shall be by roll call and will be recorded by yeas and nays. Every member of the Board, including the Chairperson, is required to cast a vote upon each motion. A member who abstains shall state the reason for abstention.

Section 12. Roberts Rules of Order. The rules of the current edition of Roberts Rules of Order Newly Revised shall govern the Board in all cases to which they are applicable and in which they are not inconsistent with these bylaws and any special rules or order the Board may adopt. The application of Roberts Rules of Order may be suspended by the Chair for all or any part of a Board meeting unless suspension is objected to by a majority of the members of the Board.

ARTICLE VII: COMMITTEES

Section 1. Standing Committees. The standing committees of the Board shall be:

- (a) Bylaws and Rules
- (b) Community Outreach
- (c) Police Department Liaison
- (d) Public Official Liaison
- (e) Complaint Review
- (f) Such other standing committee(s) as the Board may by resolution authorize from time to time

Section 2. Duties of Standing Committees. Each of the standing committees shall perform the functions specifically delegated to such committee by the applicable section of this Article pertaining thereto or the resolution creating such committee. In addition, each standing committee shall perform such other functions as the Chair shall assign.

Section 3. Standing Committee on Bylaws and Rules. The Standing Committee on Bylaws and Rules shall be charged with periodically reviewing the effectiveness of these Bylaws and Rules as such relate to advancing the efficient conduct of board business. The committee shall make an annual report to the Board at its December regular monthly meeting containing any recommendations for amendments, which shall be considered for adoption by the Board at its January meeting.

Section 4. Standing Committee on Community Outreach. The Standing Committee on Community Outreach, working with the Administrative Agency, shall be charged with developing a broad program of outreach to all sectors of the city populace for the purpose of informing the diverse communities of the city of Albany with respect to the mission of the Board and its duties, functions, powers and responsibilities under Part 33 of Chapter 42 (Departments and Commissions) of the Code of the City of Albany.

The committee shall endeavor to design a program that will improve the relationship between the diverse communities of the City and the Department, taking into account to the extent the committee deems necessary, desirable or appropriate age, race, ethnicity, religious, philosophical or political persuasion, gender identity, sexual orientation, and economic status. The committee shall consider the creation of advisory committees to the Board involving diverse interest groups in the City. The program shall maximize the dissemination of information to the public through pamphlets, media press releases, public appearances or other methods reasonably calculated to heighten public awareness of the role of the Board in achieving its goals of improving communications between the Police Department and the Community; increasing police accountability and credibility with the public; and creating a complaint review process that is free from bias and informed of actual police practices.

The committee shall consult with the Standing Committee on Complaint Review to coordinate a procedure for making available complaint forms at convenient sites throughout the city.

The committee shall issue quarterly reports to the Board with respect to its outreach program and its future plans and may issue update reports more frequently.

Section 5. Standing Committee on Police Department Liaison. The Standing Committee on Police Department Liaison shall be charged with the duty of acting as a liaison between the Board and the Department. Contact between the committee and the Department shall be through the office of the Chief of Police and certified union representatives. The Committee shall meet with the Chief of Police or the Chief's designees and with certified union representatives either upon the committee's request or at the request of elected or appointed union officials on a periodic basis to discuss matters of mutual concern. The committee shall also meet periodically with representatives of the higher-ranked officers of the Department who are not represented by the Union. The chair of the Committee shall provide the Chief of Police with advance courtesy notice with respect to any such meeting with union officials or other higher-ranked officers not represented by such union.

The chair of the committee shall establish with the Chair a schedule for making reports to the Board of the committee's actions under this section. Where authorized and/or required by Article VII of the Public Officers Law of the State of New York, such reports shall be made in whole or in part in executive sessions of the Board.

Section 6. Standing Committee on Public Official Liaison. The Standing Committee on Public Official Liaison shall be charged with periodically meeting with the Mayor, the Corporation Counsel, and the President of the Common Council. Such meetings shall be conducted upon the request of such officials and may include one or more elected members of the Common Council. The chair of the committee may also request such additional meetings with such officials as may be necessary, appropriate or desirable to further the effectiveness of the Board and the accomplishment of its mission. Such meetings shall be scheduled at mutually convenient times.

The committee may engage in discussions with such public officials on topics of interest to them or the Board that relate specifically to the inter-relationship of the Board, the Police Department, the Office of the Mayor, or the Common Council with respect to the duties, powers and functions of the Board under Part 33. The Chair shall bring any matters discussed that bear upon the submittal or filing of complaints and/or the action of the Chief of Police or the Professional Standards Committee upon such complaints to the attention of the chair of the complaint review process as the Chair shall determine appropriate.

The committee shall establish with the Chair a schedule for making reports to the Board of the committee's actions under this section where authorized and/or required by Article VII of the Public Officers Law, such reports shall be made in executive session.

Section 7. Standing Committee on Investigations. The Standing Committee on Investigations, with the assistance of the Administrative Agency, shall be charged with assisting the Board in fulfilling its responsibilities under Part 33, with specific focus on the role of the Board under sections 42-342, 42-343 and 42-345 of such Part.

The committee, with assistance from the Administrative Agency, shall develop procedures that will assist the Board in fulfilling its responsibilities in an informed and deliberative manner. Such procedures shall provide, without limitation, that:

- (a) Members shall be entitled to view the entire preliminary report of the Chief of Police on each complaint, including underlying materials determined to be relevant by members, and the report prepared by any individual appointed by the Board as observer, monitor or investigator.
- (b) Members shall be entitled to question a representative of the Professional Standards Unit having principal responsibility for the preparation of the preliminary report and the individual appointed by the Board as an observer, monitor or investigator.
- (c) Members shall be entitled to request fuller description of the matter contained in the preliminary report and shall be entitled to ask such other questions as needed to enable members to vote on a fully informed basis regarding the findings to be determined with respect to a case.

The conduct of the members of the Board with respect to its actions under the sections of Part 33 enumerated in this section shall be subject to procedures adopted by the Board for the transaction of its affairs. Such procedures shall address the utilization and evaluation by the Board of the services of observers, monitors and investigators. In order to assist the community, as well as to enable the Board to comply with Article VI of the Public Officers Law, the Administrative Agency shall be the repository of all complaints submitted to the Board or received by the Board from the Chief of Police. The Agency shall assist the Board in its compliance with section 42-342 A of Part 33.

The Standing Committee on Investigations shall periodically communicate and meet with the Corporation Council, the President Pro Temp of the Common Council, the Chair of Albany Common Council's Public Safety Committee, and the Albany Police Department (APD) Chief of Police. The committee shall hold biweekly meetings with the Administrative Agency, designated agents of the Board, and the Board members. The chair of the committee may also request such additional meetings with board members as may be necessary, appropriate, or desirable to further the effectiveness of the Board. The Committee, with assistance from the Administrative Agency, shall be charged with:

- (a) Monitoring and tracking all expenditures related to mediation, monitoring, and investigations.
- (b) Reviewing and assessing APD General Orders/policies, procedures, patterns, practices, and training, and making recommendations for changes to both the Board and APD as necessary.
- (c) Participating in the review, consideration, and determination of Board actions regarding complaints filed with the Office of Professional Standards or with the Board at the Administrative Agency. The Committee shall assess the need for mediation, monitoring, or investigative assignment and promptly notify the Administrative Agency of its determinations.
- (d) Formulating findings related to each case by using a multi-step process based upon factual determinations, and providing a comprehensive and reliable account of events.
- (e) Tracking the progress of ongoing investigations and providing reports at the Board's public monthly

meetings.

- (f) Interpreting and informing the diverse communities of the City of Albany about applicable laws, policies, and procedures.
- (g) Advocating, within the bounds of the law, for the provision of all relevant evidence and materials to be provided to The Board members and designated agents of the Board.

The Committee on Investigations shall periodically consult with the Standing Committee on Police Department Liaison to discuss matters of mutual concern and ensure effective collaboration.

These provisions of Article VII of the Public Officers Law govern the establishment, responsibilities, and operations of the Standing Committee on Investigations.

Section 8. Limitation on Service as Chair or Member of Committees. No member shall serve as the chair of more than one standing committee at the same time. Each such committee shall be comprised of not less than three nor more than five members. No member shall be required to serve on more than two committees of the Board, inclusive of the standing committees established under this Article. A member may indicate to the Chair his or her willingness to be appointed as a member of more than two committees.

After the election of the initial chair of the Board following approval of these Bylaws and Rules by the Common Council and the appointment by the Chair of the chairs of the standing committees created by this article, all temporary appointments made by the Board at its initial meeting of November 30, 2000, shall terminate.

Section 9. Ethical Conduct. The Code of Ethics adopted on August 12, 2015, by the National Association for Civilian Oversight of Law Enforcement (NACOLE) shall govern the members of the Board in all conduct and instances to which they are applicable and in which they are not inconsistent with these bylaws and any special rules or order the Board may adopt. See Appendix A for the Code.

ARTICLE VIII: CONDUCT OF BUSINESS

Section 1. Committee Reports. If Committees have information to report at the regular monthly meeting, the Chair shall recognize the chair of the committee and ask the chair to make the committee report.

At each regular monthly meeting, the chair of the standing committee on compliant review shall provide a summary report of the findings made by the Board on complaints at the preceding regular monthly meeting. The report shall state the number of investigations the Board reviewed and deliberated upon and the number of findings the Board made thereon. Pursuant to section 42-344 A of Part 33 the Board may render six different categories of findings. The report shall be strictly limited to the number of findings made under each of the six categories enumerated in section 42-344 A. The confidentiality that governs the review and deliberation of investigations and the findings made on specific cases shall be preserved as required by law. The purpose of this report is limited to providing a summary of Board findings by category and shall not include any case specific information. The Chair shall not permit any questions by any Board member which extends beyond the citation of the number of findings by category.

Section 2. Old Business. Under the agenda item of old business, the Board shall consider any unfinished business from previous meetings and members may seek such clarifications of actions taken by the Board at a previous meeting as the member shall deem helpful.

Section 3. New Business. Under the agenda item of new business, the Board shall consider any matters noticed by the Chair under this item as set forth in the mailed agenda as well as any item of new business added to the agenda at that regular monthly meeting by majority vote of the members.

Section 4. Review of Complaints, in Executive Session. At the conclusion of discussion of new business, the Board shall, if necessary to comply with applicable laws and permitted under the Open Meetings Law (Article VII of the New York Public Officers Law), recess and convene in executive session for the purpose of its review and deliberation, in whole or in part, of complaint investigations and the making of findings on cases before it in such session and such other specific business, if any, as may be properly considered in executive session. Nothing herein shall be construed to permit the consideration of any matter in executive session contrary to law.

In reviewing and deliberating a complaint investigation and its findings thereon, the Board shall give highest priority consideration to cases alleging the use of excessive force or a violation of civil rights (including complaints pertaining to civil rights as defined by New York Civil Rights Law, ch 6, art. II, and discrimination based upon protected characteristics as defined in New York Human Rights Law, ch. 18, art. XV). The Board shall give priority to cases based upon the length of time that has intervened between the submittal or filing of a complaint and the time that case was first presented to the Board pursuant to the preliminary report of the Department's findings. The previous sentence shall be construed to include all pending complaints that were made to the former Community Police Relations Board. The Board shall give the next order of priority to all cases wherein the Board was unable to render a finding within 60 days of the receipt of the preliminary report of the Department's findings.

Section 5. Board Rules to be Utilized in the Review of Complaint Investigations and the Making of Findings when in Executive Session. The Board shall adhere to the following rules for each case:

- (a) The Chair shall announce each case. The Chair may assign this duty to the chair of the standing committee on complaint review.
- (b) The Chair, or such committee chair, as the case may be, shall review with the Board the preliminary **report of the Department's findings to the Board. Such review shall also include consideration of** the preliminary or final findings made by the individual appointed by the Board as an observer, monitor and investigator pursuant to Section 42-343 of Part 33, and any other information the committee may have received bearing upon the complaint.
- (c) The Board shall consider the content of the preliminary report, the response from the Mayor and the Chief and all other relevant information as described in subdivision (b) of this section. Video and audio tapes, if available, may be reviewed in the discretion of the Board.
- (d) Upon completion of the review of such report or response, discussion shall be conducted by the members regarding such Report or response.
- (e) At the conclusion of such discussion, written findings by the Board shall be made consistent with section 42-344 of Part 33. The Board shall then comply with section 42-345 of Part 33. The written findings made by the Board shall be made known to the Chief of Police, the affected officer, and the

complainant within 30 days under such section 42-345. The Chief of Police shall review the Department's preliminary report in light of the Board's finding and then make the Department's final determination known to the Board, the affected officer, and the complainant. In the event that the Department's final determination is inconsistent with the Board's finding, the Board may request that the Chief provide a written explanation of the Department's final determination. The report shall indicate the vote of the Board on the particular case, indicating the number of ayes, nays, and abstentions on the matter. There shall be no indication of the names of the members who cast such votes.

- (f) The written findings of the Board shall be signed by the Chair or, in the absence of the Chair, by the Vice-Chair.

Section 6. The board shall adopt such additional procedures as shall be necessary to regulate the conduct of executive sessions.

Section 7. At the conclusion of its business in any executive session, the board shall recess and return to the regular order of the agenda.

ARTICLE IX: PUBLIC ACCESS TO BOARD RECORDS AND CONDUCT OF OPEN MEETINGS

Section 1. Board Compliance with Freedom of Information Law and Open Meetings Law. The Board shall comply with Article VI (Freedom of Information Law) and Article VII (Open Meetings Law) of the Public Officers Law.

Section 2. Role of the Administrative Agency. The Administrative Agency shall serve as the repository of all Board records and assist the Board in maintaining such records, and in granting public access to such records under Articles VI and VII of the Public Officers Law. Where desirable, and with the consent of the Chair, the Administrative Agency may enter into agreement with the City Clerk to assist the Agency with its role under this section.

ARTICLE X: MISCELLANEOUS PROVISIONS

Section 1. Annual Report of the Board. The Administrative Agency, on behalf of the Board, shall file quarterly and annual reports with the Common Council and the Mayor which contain statistics and summaries of complaints, including a comparison of the Board's findings with the final determinations of the Department. Such report shall be submitted to the Board at its November meeting and shall be acted upon at its December meeting.

The Administrative Agency shall contract with one or more local colleges, universities, or research institutions to conduct surveys of complainants concerning the level of their satisfaction with the process and to conduct surveys of the community to get feedback concerning the Board and the Police Department. The results of those surveys shall be reported to the Board, the Chief of Police, and the Common Council. In addition, the Administrative Agency shall collect data concerning alleged offenses and offenders and report this data to the Chief of Police. The Chief shall analyze and use the data concerning repeat alleged offenses and offenders to implement an "early warning system" to track repeat alleged offenses and offenders reported to the Board and the Police Department.

Section 2. Member Training; Ride-a-longs Advised. The Board reaffirms the merit of members fully complying with the training, orientation and continuing education provisions detailed in section 42-339 of Part 33.

The Board recommends that each member of the Board participate in at least three ride-a-longs per year lasting an aggregate of not less than ten hours, but the failure to do so by any member shall not disqualify such member from performing his or her duties as a member.

Section 3. Good Faith Complaints. It is the policy of the Board to encourage persons with good faith complaints of misconduct by an officer or other employee of the Department, including but not limited to an alleged use of excessive force or a violation of any individual's rights through the action of a police officer, to submit such complaints in writing to the Board or to the Department.

Complaints alleging excess use of force and violation of civil rights (as defined in Article XII, Section 4, of Bylaw and Rules) shall be given highest priority of consideration by the Board.

The Board will make every effort to ensure that no adverse consequences will result to any person or witness as a result of submittal or filing of a complaint in good faith. The Board will request that the Chief of Police promptly investigate any claim of retaliation arising from the submittal or filing of a complaint and report the findings of such investigation to the Board in the same manner that other complaints of misconduct are investigated and reported.

Section 4. Annual Review by Board. The Board shall conduct an annual review, with the assistance of the Administrative Agency, to evaluate the city's complaint investigative and review process. Such review shall include, without limitation, an analysis of trends and patterns in complaints, investigations and discipline. Upon completion of the annual review, the Board shall transmit to the Mayor, the President of the Common Council, and the Chief of Police its written findings incident to such review and all remedial recommendations, including any proposed amendments to Part 33, the Board determines necessary or advisable.

Section 5. Advisory Opinions of the Board prohibited. Neither the Board nor any member shall render any advisory opinion to any person or persons with respect to the preparation of a complaint or to any officer or other employee of the Department who is the subject of or who may become the subject of a complaint investigation.

ARTICLE XI: RULES OF PROCEDURE

Section 1. Adoption of Rules of Board. Within 180 days after approval of these Bylaws and Rules by the Common Council, the Board shall adopt such rules of procedure as it may determine further necessary, desirable or appropriate for the performance of its duties, powers, functions, and responsibilities under Part 33, and may thereafter amend, modify or supplement such rules of procedure.

Such rules, which shall be consistent with such Part 33 and any other applicable provision of law, may address the following matters:

- (a) The procedure used by the Board for the purpose of making recommendations to the Common Council for the removal of members of the Board, pursuant to section 42-335 of Part 33, for repeated absences, for violations of requirements of protection of privacy rights and preservation of confidentiality, and for other matters of serious misconduct that impugns or threatens to adversely affect the integrity of the Board, inability to perform duties related to the Board and which, as determined by the Board, that in the determination of the Board constitutes cause for removal by the Common Council;
- (b) The appointment by the Board of individuals who serve as observers, monitors, and investigators

and the consideration of their reports under section 42-343. Any rule addressing these provisions shall specify that no report of an investigator appointed pursuant to section 42-343 shall be made to the Chief of Police without the express authorization of the Board acting by majority vote;

- (c) The establishment of consistent procedures to be adhered to by the Board in executing the powers of the Board under section 42-343 in Part 33. The Board shall specify a consistent procedure which shall govern the method it will utilize to make its findings in executive session under section 42-344 of Part 33;
- (d) Such other matters as the Board may deem necessary, appropriate or desirable to operate effectively or based upon a review of its activities up to the date such rule is proposed for adoption.

Section 2. Waiver of Rules by Chair or Board. Upon the recommendation of the Chair for good cause shown, or where the strict application of any rule would serve to cause an injustice or to curtail the Board in the performance of its duties, functions, and powers, the Board, by affirmative vote of not less than six of its members, waive in whole or in part the requirement of any rule in application to a specified matter under its consideration, provided that the rule governing the method of making its findings in executive session under section 42-344 of Part 33 shall not be waived.

ARTICLE XII: AMENDMENTS

Section 1. Bylaw and Rules Amendments.

- (a) These Bylaws and Rules may be amended only at a regular monthly meeting of the Board, provided that written notice of the proposed amendment be given to each Board member no later than the regular monthly meeting conducted prior to the meeting at which the members will vote on the proposed amendment. Presentation to the Chair of a copy of such proposed amendments for the benefit of an absent member shall satisfy the herein above requirements. The Chair shall provide the text of the amendments to any absent member as soon thereafter the end of the meeting as practicable but not later than three days subsequent thereto. Subject to the provisions of subsection (b) of this section, the Board may adopt such amendment at its next regular monthly meeting or it may consider and approve a modified amendment prepared in accordance with such subsection (b). In no case, however, shall any adopted by-law or rule be applicable to any complaint commenced prior to the adoption of such amendment, where the application thereof to complainant, any officer or other employee of the Department who is the subject of the complaint or other interested party would result in surprise, hardship or injustice to any such person.
- (b) Any member of the Board may submit a proposed by-law and rules amendment to the Board in complete written form at any regularly monthly meeting. Action upon the proposed by-law and rules amendment shall be deferred until the next regular monthly meeting. The Chair may request the Committee on Bylaws and Rules to review the proposed bylaw and rules amendment and further request such Committee to work with the sponsor of the proposed amendment with respect to any modifications the Committee may deem appropriate. If the sponsor agrees to modify the proposed amendment, the Chair shall forward a copy of the proposed amendment as so modified to the members of the Board at least 7 days prior to the next monthly meeting. If the sponsor prefers that his or her original proposal be submitted to the Board for its consideration at the next monthly meeting, the Board shall consider such proposal. The Board may also consider modifications to the original proposal as recommended by such committee if the Chair forwards a copy of

such modifications to the members of the Board at least 7 days prior to the next meeting.

APPENDIX A



National Association for Civilian Oversight of Law Enforcement Code of Ethics

PREAMBLE

Civilian oversight practitioners have a unique role as public servants overseeing law enforcement agencies. The community, government, and law enforcement have entrusted them to conduct their work in a professional, fair and impartial manner. They earn this trust through a firm commitment to the public good, the mission of their agency, and the ethical and professional standards described herein.

The standards in the Code are intended to be of general application. It is recognized, however, that the practice of civilian oversight varies among jurisdictions and agencies, and additional standards may be necessary. The spirit of these ethical and professional standards should guide the civilian oversight practitioner in adapting to individual circumstances, and in promoting public trust, integrity and transparency.

PERSONAL INTEGRITY

Demonstrate the highest standards of personal integrity, commitment, truthfulness, and fortitude in order to inspire trust among your stakeholders, and to set an example for others. Avoid conflicts of interest. Conduct yourself in a fair and impartial manner and recuse yourself or personnel within your agency when a significant conflict of interest arises. Do not accept gifts, gratuities or favors that could compromise your impartiality and independence.

INDEPENDENT AND THOROUGH OVERSIGHT

Conduct investigations, audits, evaluations and reviews with diligence, an open and questioning mind, integrity, objectivity and fairness, in a timely manner. Rigorously test the accuracy and reliability of information from all sources. Present the facts and findings without regard to personal beliefs or concern for personal, professional, or political consequences.

TRANSPARENCY AND CONFIDENTIALITY

Conduct oversight activities openly and transparently, providing regular reports and analysis of your activities, and explanations of your procedures and practices to as wide an audience as possible. Maintain the confidentiality of information that cannot be disclosed and protect the security of confidential records.

RESPECTFUL AND UNBIASED TREATMENT

Treat all individuals with dignity and respect, and without preference or discrimination including, but not limited to: age, ethnicity, citizenship, color, culture, race, disability, gender, gender identity, gender expression, housing status, marriage, mental health, nationality, religion, sexual orientation, socioeconomic status, or political beliefs, and all other protected classes.

OUTREACH AND RELATIONSHIPS WITH STAKEHOLDERS

Disseminate information and conduct outreach activity in the communities that you serve. Pursue open, candid, and non-defensive dialogue with your stakeholders. Educate and learn from the community.

AGENCY SELF-EXAMINATION AND COMMITMENT TO POLICY REVIEW

Seek continuous improvement in the effectiveness of your oversight agency, the law enforcement agency it works with, and their relations with the communities they serve. Gauge your effectiveness through evaluation and analysis of your work product. Emphasize policy review aimed at substantive organizational reforms that advance law enforcement accountability and performance.

PROFESSIONAL EXCELLENCE

Seek professional development to ensure competence. Acquire the necessary knowledge and understanding of the policies, procedures, and practices of the law enforcement agency you oversee. Keep informed of current legal, professional and social issues that affect the community, the law enforcement agency, and your oversight agency.

PRIMARY OBLIGATION TO THE COMMUNITY

At all times, place your obligation to the community, duty to uphold the law and to the goals and objectives of your agency above your personal self-interest.

The following oversight agencies have adopted the NACOLE Code of Ethics:

- Citizen Oversight Board, City & County of Denver, CO
- Citizens' Law Enforcement Review Board, San Diego County, CA
- Citizens' Review Board on Police Practices, San Diego, CA
- Civilian Review Board, Eugene, OR
- Independent Review Panel, Miami, FL
- Milwaukee Fire and Police Commission, Milwaukee, WI
- Office of Citizen Complaints, San Francisco, CA
- Office of Community Complaints, Kansas City, MO
- Office of Police Complaints, Washington, D.C.
- Office of Professional Accountability, Seattle, WA
- Office of the Community Ombudsman, Boise, ID
- Office of the Independent Monitor, City & County of Denver, CO
- Office of the Independent Police Auditor, Bay Area Rapid Transit District, San Francisco, CA
- Office of the Independent Police Auditor, San Jose, CA
- Office of the Police Auditor, Eugene, OR
- Office of the Police Ombudsman, Spokane, WA
- Richmond Police Commission, Richmond, CA



Operating Procedures of the Community Police Review Board of the City of Albany, New York

Updated: January 19, 2024

Effective Date: February 9, 2024

The Albany Community Police Review Board (hereinafter “the Board”) is an independent police oversight agency. The Board reviews and investigates complaints of alleged misconduct committed by officers of the Albany Police Department (APD). The Operating Procedures of the Board outline the powers and duties of the Board, the complaint process, and protocols for reviewing and investigating complaints of alleged police misconduct pursuant to the Code of the City of Albany, NY, §§ 42-332–42-352.

I. Powers and Duties

- A. The Board shall have the power to conduct independent investigations into alleged misconduct committed by officers of the Albany Police Department as it deems warranted, even in the absence of a complaint being filed with either the APD Office of Professional Standards (OPS) or the Board, and the power to issue subpoenas to compel testimony and the production of evidence.

- B. The Board and the Chief of Police shall establish a cooperative relationship to ensure the orderly and efficient flow of information.

- C. The Board shall periodically review and assess APD policies, procedures, patterns, practices and training and may recommend changes to the APD. In the event that the Chief does not provide a detailed listing of what items are and are not being implemented within 60 days, the Board may follow up through all appropriate channels, including to the Common Council, the Mayor, and in public meetings.

- D. The Board, in consultation with the Chief, shall review the disciplinary matrix annually, and consider any recommended changes. The Board shall also seek input from the public while establishing and reviewing disciplinary matrices. The Chief shall decide the final version of the disciplinary matrix to be used after public input facilitated with the Board.

II. Initiation of Complaints

- A. Complaints may be received directly by the Board, or upon referral from sources such as OPS, the Mayor, the Common Council and its Members, the City Clerk, the Chief of Police, or community partners. Any complaint received and is determined to be

within the Board's jurisdiction will be transmitted to OPS, and any complaint received and accepted for investigation by OPS shall be transmitted to the Board.

The Board shall receive complaints by telephone, in person, by mail, email or web form. Complaints shall be received and considered for investigation led by OPS, independent investigation or review led by the Board, or referral to the mediation program, whether submitted under signature or anonymous. Efforts to simplify the procedure shall be made to encourage filing.

- a. Before proceeding with the complaint process, the Board shall make the complainant aware of and provide a referral to community-based organizations that provide services for people who have experienced police misconduct.
 - b. The Board shall comply with all applicable local, state, and federal laws regarding the confidentiality of all involved parties throughout the entire CPRB process, including but not limited to the complaint, investigation, and adjudication process.
- B. It shall be within the discretion of the Board whether to discuss in a public meeting, or include in the Board's findings, or otherwise make public, such information that is not otherwise subject to confidentiality standards or protected by law.
- C. When a complaint is filed, the Chief or their designee and the Board shall, pursuant to § 42-347, determine whether the mediation is appropriate.

III. The Investigations Committee

- A. The Board shall create an Investigations Committee shall determine which matters or complaints the Board shall independently investigate or monitor.
- B. All members of the Investigations Committee should fully participate in the review, consideration, and determination of Board action to be taken with respect to complaints received.
- C. The Chair of the Board shall appoint the Chair of the Investigations Committee and two other members of the Board who will constitute the Investigations Committee. The Chair of the Investigations Committee shall serve for a calendar year term provided that, in the sole discretion of the Chair of the Board, the individual serving as the Chair of such Committee on December 31, may be appointed to continue as such Chair for the next calendar year.
- D. The Chair of the Investigations Committee shall serve as a permanent member of the Committee during his or her tenure as Chair.
- E. When, in the judgment of the Investigations Committee, the complaint makes a serious allegation of misconduct, including but not limited to the gravity of the misconduct alleged,

the level of public interest in the complaint and/or other exigent factors, indicate a need for the immediate appointment of a monitor or investigator, the Investigations Committee may, without Board approval, determine that the appointment of a monitor or investigator is required and make such appointment. In every such case, the Investigations Committee shall, within one week of taking such action, give written notice to all members of the Board stating the reasons for exercising their discretion on the matter, including the reasons why they did not comply with the consultative process outlined herein, in whole or in part. Any such determination by the Investigations Committee on the appointment of a monitor or investigator shall be subject to review and ratification by the full Board at its next regular monthly meeting or at a special meeting called for the purpose, whichever is earlier.

- F. With respect to the appointment of a monitor or investigator, it is the Board's intent to look at the substance of each complaint or incident. The Board will give an expansive reading to the allegations of the complaint due to the realities that a complainant will likely be unfamiliar with APD General Orders and relevant federal, state, and local laws.
- G. The appointment of a monitor or investigator in connection with any particular matter shall not be construed as an indication that the Board or the Investigations Committee has made any determination on the merits of the complaint or of the veracity, or lack thereof, of the allegation or allegations made, in whole or in part, by the complainant.
- H. The Investigations Committee shall promptly notify the Administrative Agency of every determination to appoint an investigator or monitor to any matter. The Administrative Agency shall, in turn, promptly notify each member of the Board of every such determination.
- I. The Administrative Agency shall be responsible for receiving and documenting submission of preliminary reports by OPS with respect to complaints under investigation. The Administrative Agency shall notify the Chair of the Board and the Chair of the Investigations Committee no less than ten (10) days prior to the next scheduled monthly meeting of the Board with respect to preliminary reports submitted by OPS about complaints under investigation or review. The Chair of the Investigations Committee, or Administrative Agency if authorized by the Chair of the Investigations Committee, shall appoint Board members to present the OPS preliminary report and results of the Board's investigation or review of a particular complaint to the Board at its next monthly meeting.

IV. Investigation of Complaints

- A. The Board's authority to independently investigate allegations of misconduct against any and all conduct, acts or omissions by any APD officer is outlined in the Code of the City of Albany, NY, § 42-343. If the Board decides to open an investigation as noted above, the following steps shall be incorporated into the investigation:
 - a. The Board shall provide OPS with written notice of the commencement of any investigation.

- b. The Board's civilian investigators will conduct independent investigations into complaints assigned to them.
 - c. The Board shall open independent investigations at its discretion. The Board shall prioritize incidents involving civilian fatalities or injuries during an interaction with a member of APD.
 - d. Subpoenas may be issued by the Board at any time during the review and adjudication processes. Such subpoenas may compel the attendance of witnesses, APD officers, APD employees, and/or persons and require the production of records and other materials, including records of the APD, other persons or other agencies. A copy of any subpoena served upon an APD officer or employee shall also be delivered to the Chief. Board subpoenas are enforceable pursuant to relevant provisions of Article 23 of the New York Civil Practice Law and Rules.
 - e. One police officer holding the rank of Captain or higher shall be made available by the Chief to the Board at the Board's request to serve as a consultant or advisor should questions arise from members of the Board regarding specific police practices, policies or general orders. The officer so assigned shall be neither from OPS nor the commanding officer of the officer(s) involved in the case being reviewed.
 - f. A complainant may, at any time, decline to have their complaint investigated and reviewed by the Board. Such declination must be made in writing.
 - g. Statements made by complainants, APD officers or employees, or witnesses are subject to the Board's determinations of weight and credibility. Participation or lack of participation in the hearing process may be considered by the Board as one factor in their determination of credibility.
- B. After completing the investigation, the Board's civilian investigator shall prepare a report detailing the findings of the investigation. Upon completing the investigation, the Board may make policy recommendations based on the investigation.
- C. The Board may recommend disciplinary measures if there is a substantiated allegation(s). If the Board recommends discipline, it shall do so pursuant to the analysis outlined in the APD Disciplinary Matrix. The APD Chief of Police is responsible for imposing discipline.
- D. The Board is committed to transparency; its findings and conclusions are typically made public to maintain accountability and build trust with the community.

IV. Protocol for Monitoring Investigations

- A. The monitor shall be notified of their appointment as a monitor by the Administrative Agency.
- B. The monitor shall become and remain familiar with the APD General Orders, which are available online at APD's website.
- C. Within twenty-four (24) hours of appointment, the monitor shall:
 - a. Obtain a copy of the complaint. If the monitor cannot meet the twenty-four (24) hour requirement, the monitor shall immediately notify the Administrative Agency.
 - b. Notify OPS that they have been appointed a monitor with respect to the relevant complaint.
- D. If an OPS detective has been assigned to the complaint, the monitor shall request to set up an initial meeting with such representative at OPS. If no OPS detective has yet been assigned, the monitor shall request that OPS contact the monitor upon assuming the investigation of the complaint. The purpose of the initial meeting is facilitate the joint participation of the OPS detective and the monitor in interviews of the complainant or complainants, all witnesses listed by any complainant on the complaint, and any other witnesses who may have directly observed the alleged police misconduct. The monitor shall be required to follow the OPS investigation of the complaint by attending the interviews of the complainant or complainants, all witnesses listed by any complainant on the complaint, and any other witnesses who may have directly observed the alleged police misconduct.
- E. The monitor must, early in the complaint process, ensure that the allegations that OPS is investigating are appropriate given the available facts at that juncture. As the investigation develops, the monitor must ensure that the allegations appropriately capture the evidence uncovered.
- F. By accepting to be a monitor, the monitor must be willing and able to be flexible in attending interview sessions and monitoring other investigative work. A monitor, absent extraordinary circumstances, must be willing and able to be present at the OPS office or such other location of investigation as determined by OPS during normal work hours of OPS and consistent with the work schedule of the subject officer(s) in order to avoid conflicts and excessive overtime compensation paid to OPS. Monitor requests for at least a one-day notice from OPS in scheduling interviews. The monitor shall contact the Administrative Agency if there is an interview scheduled that they should have attended but were not able to.
- G. This paragraph sets out essential guidelines on the scope in which a monitor may participate in

the interview process. Participation by the monitor in interviews conducted by OPS is as follows:

- a. A monitor shall indicate to OPS detective that they desire to be present for all interviews to be conducted of a complainant or complainants, a witness or witnesses for a complainant or complainants, and for any other witness. If the aforementioned individuals, or any of them, agree to the presence of the monitor during the interview or any subsequent interview, then the monitor shall sit in and observe the interview. The monitor shall not speak during the interview unless authorized by OPS but may make notes regarding the interview and ask to speak to the OPS representative separately. The monitor shall further request that such detective seek the consent of each individual who is to be interviewed by OPS, other than the subject officer(s) or other police officers, for the monitor to be present at such interview. A monitor should request the OPS representative to pose to any complainant witness, subject officer, or other officer such additional questions as the monitor believes necessary to assist the Board in determining whether the OPS investigation is complete, thorough, and fair. The monitor shall make such a request to the OPS representative in private and shall not do so during the interview at which the monitor is present.
 - i. In light of suggestions that witness statements by the complainant's witnesses should be critically weighed by the Board for bias, the Board expects a monitor who is present during an interview of a complainant's witness to carefully focus on the independence, credibility, and presence of or lack of bias of the witness. The monitor shall specifically narrate in his or her report regarding his or her opinion regarding the credibility of such a witness based upon the direct observation by the monitor of such interview;
 - b. In accordance with Section II of the Albany Police Department's Procedures and Practices for Briefing and Communicating with Individuals Appointed to Observe and Monitor, a monitor is not allowed to be present during any OPS interview of a police officer, whether a subject officer or not. Upon request of the monitor, the monitor shall be entitled to receive from OPS a full transcript of each question asked during any interview by the OPS representative and the full text of the officer's response, whether a subject officer or otherwise. This is an invaluable source of information to be gained by the monitor and shall be pursued, as a matter of course, and especially in high-profile cases, alleging excessive use of force or violation of civil rights.
- H. A monitor is entitled to have access to the entire OPS file, including but not limited to, police reports, citations, criminal information complaints, use of force reports, body-worn camera and other video footage, photographs, confidential reports prepared by OPS relevant to the investigation, recorded police radio transmissions, dispatches made in regard to the incident, any internal departmental correspondence relating thereto, transcribed statements given by police officers, transcribed statements given by a complainant and witnesses, police dispatch sheets, any recorded transmission of a traffic stop, all pictures including booking pictures taken by police of any complainant who may have suffered injuries during the act of being arrested, and all other departmental paperwork contained in the incident case file relating to the complaint.
- a. The Board expects monitors to vigilantly review the above-mentioned documents to ensure

the preparation of a monitor report to the Board that is thorough and inclusive of all essential elements of information that will assist the Board in making its findings with respect to the conclusions upon the complaint submitted by OPS to the Board.

- I. The monitor shall maintain a monitoring chronology which records the steps taken during the course of the case. This chronology should document the factual steps the monitor took and should include:
 - a. The initial date of contact made by the monitor with OPS and the name of the OPS detective assigned responsibility to investigate the complaint.
 - b. A summary of all subsequent contacts and the dates thereof, the monitor had with such representative and the purpose of such contacts. The monitor should indicate whether the contact was in person or by other means of communication, the date of all interviews of any individuals relating to the complaint as conducted by OPS, a brief statement of the purpose of the contact, and what transpired as a result thereof.
 - c. With respect to interviews that the monitor is authorized to be present at, the monitor shall indicate his or her presence or absence, and if applicable, the reasons for such absence.
- J. Within five (5) business days of receiving OPS's preliminary report of its findings, the monitor shall submit to the Administrative Agency and the Board the monitoring report via email. Reports shall be submitted no later than ten (10) days before the meeting at which the report is scheduled to be presented and reviewed.

V. Protocol for Contents and Format of Monitors' Reports

The following section shall constitute the protocol for the contents and format of a monitor's report to the Board.

- A. A monitor shall state the date they were appointed as a monitor and the date the complaint was filed. The monitor shall also indicate whether the complaint was filed with the police department or with the Administrative Agency and if the monitor can readily ascertain whether the complainant was assisted by any person in the preparation of the complaint.
- B. The monitor shall ascertain the essential elements set forth in the complaint, which they believe are critical to the resolution of the complaint by the Board and shall summarize these elements in a concise manner for the benefit of the Board.
- C. The monitor shall set forth OPS's findings with respect to the complaint, including multiple findings if such a complaint raises more than one allegation with respect to the actions of the subject officer(s). It shall be sufficient to give a summary of such findings, and the summary

shall include the rationale of OPS for arriving at its conclusion.

The monitor shall include in the report a statement of facts relating to the complaint which are not in dispute by any of the parties. The report shall similarly state whether any other facts are in dispute, and if so, the nature of the facts and a description of why such facts are in dispute and how the complainant, witnesses, subject officer(s) or other officers and OPS view the proper determination of such disputed facts.

- D. The monitor shall include in their report a complete description of the investigative timeline in chronological order, including key dates when investigative or monitoring steps were taken, as described above.
- E. The monitor shall identify the name of each complainant and witness interviewed by OPS, except if the witness is an officer. The monitor shall indicate whether a witness offered information in support of the complainant or was an independent witness who directly observed the incident which is the subject of the complaint. The monitor shall state whether they were present at one or more interviews conducted with the aforementioned individuals. The monitor shall also state whether they were absent from any such interview and the reason for any such absence. The monitor shall also state whether the complainant or any witness refused consent for the monitor to be present at any interview.
 - a. A monitor may elect to give a summary of all essential information gathered through the interview process, on an individual by individual basis, so long as such summary is clearly informative for the purpose of Board review. In lieu of providing such a summary, a monitor may determine that Board action upon a complaint may require the Board to review the tapes of any such interview. The monitor shall state his or her basis for such determination.
 - b. A monitor shall be entitled to comment upon the credibility of any of the above-mentioned individuals based solely upon the monitor's actual observation of such an individual at an interview of such person attended by the monitor. The monitor shall state his or her basis for supporting or questioning the credibility of any such individual.
 - c. The monitor shall similarly give a summary of the testimony of all police officers interviewed and shall indicate whether the officer or officers were the subject of the complaint. The summary of the interviews shall be based upon a complete review by the monitor of all transcribed documents containing the full text of the officer interview. The monitor shall indicate whether they requested the representative of OPS to ask additional questions of any particular officer and shall further indicate whether the representative of OPS agreed to pose any such question in an interview. If additional questions were requested to be posed, the monitor shall summarize the text of each requested question. The monitor may indicate to the Board, based upon a review of the applicable transcript, whether any such question was in fact, posed and answered.
 - d. If, during the course of performing the duties of the monitor, the monitor has a reasonable basis to believe that a subject officer has violated any provision of the General Orders of the Albany Police Department regulating the conduct of police officers with respect to their

contact or interaction with the public, the monitor shall clearly state the section of such procedures they believe such officer violated and the basis the monitor has for such belief.

- G. Based upon a review of the complete record in accordance with these protocols, the monitor shall state with clarity whether they agree with the findings of OPS with respect to the complaint in whole or in part. The monitor shall include within his or her report a written justification of his or her determination to agree with such findings. In the event that the monitor disagrees with such findings in whole or in part, they shall state the reasons for such disagreement. If the monitor believes the investigation to be incomplete as a basis for his or her disagreement with such findings, the monitor shall inform the Board of such belief and may recommend to the Board that further action or continued investigation is necessary with respect to ensuring an adequate investigation of the complaint.
- H. In the event the Board requests that OPS conduct further investigation of a complaint, pursuant to the Board's authority, the monitor shall follow the same protocol set forth above to the extent that the same protocol applies to the further investigation.

VI. Compensation

- A. At the conclusion of the investigation and in conjunction with the submission of the monitor's report, monitors shall submit to the Administrative Agency an invoice for payment, indicating the number of hours spent in furtherance of their responsibilities and a general description of the activities undertaken. In the event of fractions of hours, monitors will round up to fifteen (15) minute increments. For example, if a monitor spends forty (40) minutes at a meeting, they will invoice for three quarters of an hour. If the monitor spends twenty-five (25) minutes, then the monitor will invoice for a half (1/2) hour.
- B. The Administrative Agency shall quarterly send a monitor's payment report to the Chair of the Board for his review.
- C. Monitors shall be compensated for time spent in furtherance of actual monitoring responsibilities, which may include, but may not be limited to, time spent according to the procedures outlined above:
 - a. Observing OPS' investigation of the complaint;
 - b. Reviewing any documentation related to the investigation of the complaint;
 - c. Preparing the monitor's report;
 - d. Attending and reporting at the Board's public meetings where the monitor's complaints are being reviewed. The monitor's time starts upon their arrival or the scheduled start of the meeting (whichever is later) and ends upon the conclusion of voting on their case; and
 - e. Attending and participating in scheduled, required training programs coordinated by the Board.

- D. Monitors shall be compensated for expenses in furtherance of actual monitoring responsibilities, which may include, but may not be limited to:
 - a. Postage for items mailed to the Board. Additional investigative expenses will require the Board's prior approval; and
 - b. Travel expenses, including lodging and mileage at the prevailing government rate.
- E. Sales tax and other tax expenses, laptops, computers, printers, scanners, are phones are not be considered actual monitoring responsibilities or are not typically reimbursed and therefore, are not compensable.
- F. Any other expenses incurred by a monitor that is not otherwise covered above shall be submitted to the Chair for review and determination as to whether or not they are compensable expenses. The monitor shall notify the Administrative Agency prior to incurring any other expenses that are not otherwise covered in this Section. The Chair shall determine whether or not these expenses will be compensable.

VII. Protocols for Mediation

- A. A voluntary mediation process shall be established and coordinated by the Administrative Agency in accordance with this section. Upon receipt of a complaint, the complaint may be considered appropriate for mediation, unless the case involves an allegation of excessive force, an alleged violation of civil rights, an allegation of criminal conduct against an officer, the complaint is a result of an incident that involves an arrest, if there was an injury to either party, or if there was property damage by an officer, pursuant to the Code of the City of Albany, NY, § 42-346(C). An eligible complaint shall be reviewed for the potential recommendation for mediation by the Board and by the Chief of Police or their designee.
 - a. Five members of the Board will be contacted by the Administrative Agency, and a decision made as to the appropriateness for mediation by a majority of those five members. A decision regarding mediation shall be made within two business days by both the Board and the Chief.
 - b. If either the Board or the Chief finds a complaint inappropriate for mediation, then the matter shall be referred to OPS for investigation consistent with this article. Neither the Board nor the Chief or their designee need provide a reason for rejecting mediation.
 - c. If the parties agree to participate in mediation, the process shall follow the mediation protocols adopted by the Board, and the complaint will not be investigated by the Police Department regardless of the outcome of the mediation. If either party declines mediation, the matter shall be referred to OPS for investigation.
- B. If the case is deemed appropriate for mediation, both parties must agree prior to scheduling the mediation. OPS will contact the subject officer(s). The Administrative Agency will notify the complainant.

- C. All parties involved in the mediation process shall be informed that once mediation occurs, the complaint shall be considered “resolved.” Each party must acknowledge their understanding that the “resolution” is the fact that the mediation took place. The full Board shall issue a finding of “Mediated” for the record.

- D. OPS shall send a notice to the subject officer(s) within two days of the mediation approval, which shall include the following:
 - a. Complaint number;
 - b. Name of the complainant(s);
 - c. The allegations identified in the complaint;
 - d. An explanation of the mediation program;
 - e. An advisement to the officer(s) that the Assistant Chief has concluded that the case is appropriate for mediation;
 - f. An order from the Assistant Chief that the officer(s) contact OPS within the officer(s)’ next three working days upon receipt of the notice;
 - g. An explanation that participation in the mediation program is voluntary and that, upon completion of the mediation, the complaint will be categorized as “Mediated”; and
 - h. The involved officer(s)'s commander shall ensure that OPS provides notice to the involved officer(s) within three months after the Assistant Chief has concluded that the case is appropriate for mediation.

- E. When OPS is contacted by the officer(s), the Assistant Chief or their designee will ensure that the officer fully understands the mediation program and will ask the officer if they will participate in mediation. The officer will be advised that once the mediation begins then the complaint will not be investigated, regardless of the outcome of the mediation.

- F. The Administrative Agency shall send notice by email and/or Priority Mail, Return Receipt Requested to the complainant(s) within two days of the mediation approval, which shall include:
 - a. Complaint number
 - b. An explanation of the mediation program
 - c. An advisement of the Board’s decision that the case is appropriate for mediation
 - d. An advisement that the complainant shall contact the Administrative Agency within three business days of receipt of the notice
 - e. An explanation that participation in the mediation program is voluntary and that if the complainant does not wish to mediate the matter will be referred to OPS.
 - f. An explanation that, upon completion of the mediation, the complaint will be categorized as “Mediated.”

- G. When the Administrative Agency is contacted by the complainant(s), the Administrative Agency will ensure that the complainant(s) understands the mediation program and will ask the complainant(s) if he/she will participate in the mediation program. The mediator will provide the complainant(s) with a disclaimer that he/she will have to sign. The disclaimer will state that the complainant has been advised that once the mediation begins then his/her complaint will not be investigated regardless of the outcome of the mediation, and that the

complaint shall be considered “resolved.”

- H. If the Board and the Chief recommend a complaint for mediation, both the complainant and the officer will have the option of electing to continue with the mediation process.
- I. If either the officer or the complainant(s) refuses mediation the matter will be referred to OPS for investigation.
- J. If both parties agree to mediation the matter will be referred to a mediator. The Administrative Agency shall contact the mediator, and in cooperation with OPS and the Assistant Chief or his/her designee, shall provide all pertinent information so that the mediator can establish contact with the parties and set up the mediation session. The contact with the officer(s) shall be made by the Assistant Chief or designee.
- K. The Administrative Agency shall be responsible for ensuring the mediation is scheduled at a time reasonable for both the complainant(s) and the officer(s) and conducted in a timely fashion. Every reasonable effort shall be made to schedule mediation during an officer's normal working hours. Mediators shall conduct mediation sessions with officers and complainants at times and places agreed upon by the parties. Mediation sessions shall be closed to the public. If scheduled mediations occur outside of normal work hours, then officers shall receive overtime pay in accordance with the corresponding collective bargaining agreement. The mediation will take place at a neutral site (i.e., the mediator's office). No one is allowed in the mediation except the mediator, the officer(s) and the complainant(s), if said complainant is 18 years or older. Complainants under the age of 18 or who require a guardian or interpreter shall not be eligible for mediation.
- L. If the complainant(s) fails to appear for the scheduled session the first time, the Administrative Agency or the mediator will contact the complainant(s) to see if he/she wants to reschedule the mediation. If the complainant(s) does not want to reschedule the mediation, then his/her complaint will be closed as “no finding.” If the complainant(s) fails to appear for the second scheduled session, his/her complaint will be closed as “no finding.” If the officer(s) fails to appear for the first scheduled session, then rescheduling will be at the discretion of the Administrative Agency. If mediation is not scheduled or rescheduled within three months, the Administrative Agency will forward the case to OPS for investigation.
- M. Upon the completion of the mediation process, the Board shall issue a finding of "Mediated," and the allegations shall be deleted from the officer's Board history.
- N. Following the completion of mediation, each party will be requested to complete an Evaluation Form regarding the process and outcome. The Administrative Agency will forward copies of the Evaluation Form to the Board and the Assistant Chief. All documents regarding mediation shall be kept confidential.
- O. There is no procedure for appeal by either party following mediation. The case is considered closed upon the conclusion of the mediation session. Statements and records disclosed during

mediation may not be disclosed or introduced in evidence during any judicial or administrative proceeding, and mediators may not be compelled by a subpoena to give testimony or produce anything related to the mediation.

- P. Mediation shall be conducted at no cost to the complainant or officer by highly trained and experienced mediators selected from a list compiled by the Administrative Agency. The Administrative Agency, the Common Council and the Mayor shall endeavor to reflect community diversity in this list of mediators. The Administrative Agency shall develop an appropriate training curriculum which each mediator shall be required to complete. Each mediator shall be a graduate of the Albany Police Department's Community Police Academy. In addition, the Administrative Agency shall provide to the mediators, and the mediators shall undergo, continuing education on issues related to the interaction between civilians and police officers from the perspectives of both the complainant and the police officer.
- Q. If the Board decides in its discretion that a mediator should be removed from service, the Assistant Chief shall be notified in writing and be given the opportunity to be heard prior to the Board entertaining a vote for removal.

Adopted: August 20, 2001
Revised: Revision 1 – December 3, 2001, adding new subparagraph I and renaming old subparagraph I as subparagraph J.

Adopted: Revision 1 – January 14, 2002
Revised: Revision 2 – April 11, 2011 Operating Procedures Meeting:
Additions - Section II (C) “verbatim”; Section II (D) “to the Officer of the Day”, “GLC Staff”, “which is inclusive of”, “by telephone or”, “at a Board”, “call”, “schedule the telephone calls or bring complaint to a Board meeting to” *and* Section III, Section IV, Section V, Section VI.
Deletions – Section II (D) “Officer of the Day”, “including”, “at the offices of the GLC”, “or by conference telephone call”, “conference”, “assist the Officer of the Day in scheduling a meeting or telephone conference call and in otherwise”, “ing.”

Adopted: Revision 2 – June 9, 2011
Revised: Revision 3 – February 17, 2023, Operating Procedures revised by including Monitor and mediation protocols and the complaint flow chart to the operating procedures. Section VII (A),(C),(G) and (H) was amended.

Adopted: Revision 3 – March 9, 2023
Revised: Revision 4 – September 27, 2023, Operating Procedures revised to reflect Local Law J of 2020 authority.

Adopted: Revision 4 – November 10, 2023
Revised: Revision 5 – January 19, 2024, Operating Procedures revised to reflect amendments to Local Law J of 2020.