



**CITY OF ALBANY
COMMUNITY POLICE REVIEW BOARD
CPRB STANDING COMMITTEE
ON DISCIPLINARY MATRIX
MEETING MINUTES**

*March 8, 2023, at 6:15p.m.
Albany Law School, Room W212*

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

Chair Vives called the meeting to order at 6:15 PM.

COMMITTEE MEMBERS PRESENT: CPRB Chair Nairobi Vives, CPRB Vice Chair Veneilya Harden, CPRB Secretary Paul Collins-Hackett, Melanie Trimble, and Mark Mishler

OTHERS PRESENT: CPRB Program Manager Michele Andre, Assistant Corporation Counsel Matthew Toporowski, Board Member Antionette Santos, Board Member Victor Person, and Board Member John Levendosky

II. AGENDA (N. Vives)

Chair Nairobi Vives called the meeting to order and reported that the meeting will focus on discussing the various memos submitted to the board regarding discipline matrix proposals. There is also a prepared survey that was sent around to the community members to discuss.

Discussion Regarding Various Disciplinary Memos (Various Members)

Melanie Trimble believed that the matrices CPRB are considering are very solid, however it's important that the APD is going to follow through. She recommended to bolster the matrix to hold the police accountable by either having a reporting scheme on decisions the Chief makes or having mechanisms that force the hand that discipline will be given out when appropriate.

Mr. Cannizzaro had a question to Chair Vives in terms of the time frame. His understanding is that any discipline has to happen within a year of the act. He said that Ms. Trimble is correct that things are being processed in the one year time frame but by the time it gets to the CPRB that time is exhausted. He wants to know if the board could address that in the future.

Mr. Mishler responded that the Board can put time limits in their matrix. Another recommendation is to try to revise the statute regarding the time limit.

Chair Vives responded that the best way is to give out discipline in the time period that is listed in the CBA. She also explained that the CPRB now has the power to investigate independently so they do not need to rely on OPS like they have had to in the past. This should expedite the review process.

Mr. Mishler explained that there may be civil service law requirements or CBA issues to look out for.

Mr. Cannizzaro said that civil service law does not prevent CPRB from addressing the time issue and asks Corp Counsel if they agree.

Mr. Toporowski agrees that the local law should be the main focus. The CPRB does not have to follow the CBA because they are not members to the CBA.

Mr. Cannizzaro asked why there was no one from OPS or APD at the meeting and Chair Vives responded that she was unsure why but she will make sure they are at further meetings.

Mr. Cannizzaro asked Mr. Mishler about his Matrix and how some of the sections describe having some impacts on the department. He asked if it will be an objective view of the Chief to decide what is more or less impactful. Mr. Mishler responds that he was trying to create a matrix that constituted a basic model, taking from Baltimore and adding some of his expressed content. He is not wedded to the specifics of his model, however he was trying to compress it. He agrees that it should be a progressive disciplinary system, but had a hard time balancing that with ensuring police misconduct is disciplined properly and quickly.

Ms. Andre responded that this was barely a first draft of a discipline matrix. The goal was to get the ball rolling and start getting some ideas for possible matrix. She thanked Mr. Mishler for doing so.

Mr. Mishler explained how his matrix works. Early violations are loss of leave credits or a loss of up to 5 work days. As the violations add up, the discipline would increase to the next level, adding more loss of work days and increased discipline. He wanted to keep adding more days as aggravated circumstances and violations increase. Level 3 adds demotion or discharge for second violations. Level 4 makes discharge a large possibility and level 5 makes discharge the only option.

Ms. Santos asked if these standards would be the same if an officer was on probation and they committed the same violation. Chair Vives said this might invoke a provision of the CBA but they will look into this further.

Mr. Mishler explained that his understanding is that officers are sworn in before they go to the academy. If there is a period they are considered under probation, they can be fired as an employee at will so the matrix would most likely not apply to officers that are on probation.

Chair Vives thanked Mr. Mishler for creating the first draft of the matrix. Chair Vives asked if he was trying to condense it from 5 levels to 4 levels, what his ideas on how to do that would be. He responded that it is hard to balance the progressive discipline with holding police officers accountable. He will continue to work on it but also hopes others can review and create other proposals. Mr. Mishler believes that adding more training as a discipline is a beneficial to the police officers because the other result would be termination. There is an obligation to make sure the officers get training rather than automatically discharge. However, if the APD believes that training is not acceptable, the committee will move discharge to the 3rd and 4th level rather than later on in the process.

Mr. Toporowski warned that when condensing the matrix, it needs to have the ability to exhaust higher level remedies earlier. He showed that level 2 describes conduct such as unbecoming conduct or disrespectful conduct. These incidents sometimes should also be subject to discharge. If it was the first incident but it was very severe, discharge should be an option.

The board questioned whether police officers who are suspended without pay can train without getting paid. They were unsure of this and will asked members of APD and the Union during the next meeting.

Chair Vives hopes that for the next meeting everyone works on either their own drafts or editing Mr. Mishler's draft to continue working forward on this. There are some questions that APD and the Union need to answer regarding lost time, discharge, and training. Coming back in the next two weeks with things written down will help jumpstart the process of making things official. Chair Vives asked if Mr. Mishler conducted any outreach to Baltimore and he said he has but has not been successful. He has received some names but he has not had a chance to officially to speak to anyone.

Ms. Andre was able to reach out to a former Baltimore officer and received some feedback on their matrix. Baltimore's matrix is more strict than Maryland's discipline matrix. Baltimore was strict on certain things but there was discretion allowed by the chief. They also noted that it is really hard to enforce the different levels of the discipline matrix if you don't have the case files for the officers. Sometimes, officers were being disciplined at level 1 rather than levels 3 and 4 because they didn't have the files of the officers.

Mr. Cannizzaro's last comment agrees with Mark that condensing and making less levels for the matrix is a good idea because it keeps the process efficient. He thanked Mark for getting the ball rolling.

Mr. Mishler said that he was having formatting issues.

Chair Vives said that she hoped OPS, APD, and Union members will watch this hearing and will be prepared for the next meeting.

ADJOURNMENT

There being no further business, the meeting was adjourned at 7:06 pm.

Respectfully Submitted,

Michele Andre
Program Manager