



**CITY OF ALBANY
COMMUNITY POLICE REVIEW BOARD**

*June 11, 2020 at 6:00 p.m.
Via Zoom*

MEETING MINUTES

I. Call to Order and Roll Call

(I. Morris & A. Ayers)

Board Members Present: Larry Becker, Zach Garafalo, Warren Hamilton, Veneilya Harden, Ivy Morris, Matt Ingram (starting at 6:15 p.m.)

Also Present: Ava Ayers, Commander Batuello, Lieutenant Decker, Robert Magee, Lisa Rivage, and members of the public

Ivy Morris called the meeting to order. She explained that the meeting was a community forum, and not a normal meeting with case review.

Ava explained the purpose of the meeting, which was twofold. First, to give community members a voice to air their concerns and ideas concerning police reform. Second, to discuss and inform both the public and board members on police reform proposals locally, statewide, and across the country.

Ava then notified everyone that beginning at 6:30 p.m. there would be a separate community forum, hosted by A Block At a Time, and that she and the board urged everyone on the call to attend it. That forum featured Mayor Sheehan, District Attorney Soares, Chief Hawkins, Common Council President Ellis, and Councilman Robinson (5th Ward).

II. Overview of Some Recent Reform Proposals

(A. Ayers)

Ava Ayers began the meeting with an overview of the topics on which New York and other jurisdictions have been discussing possible proposals.

New York

- Proposals:
 - Reporting of Arrests and Other Statistics – Matt Ingram has been collecting demographic information on people who are arrested, stopped, and detained
 - Police Tactics

- Use of Force
 - SWAT Teams
 - Interrogations
 - Surveillance Technology
- Give NYS Attorney General more power to investigate critical incidents of police misconduct
- Recently Enacted Reforms:
 - Repeal of NYS Civil Rights Law § 50(a) – A law that shielded officer disciplinary records from open records law was repealed. Up until now, CPRB has not had access to the names or disciplinary history of officers involved in complaints.
 - Requirements to Wear Body Cameras
 - Increase Access to Body Camera Footage – CPRB already possesses the ability to review body camera footage.
 - Banning Chokeholds (Executive Order)

Reforms Proposed Elsewhere

- Changing what laws officers enforce, and what we choose to criminalize (i.e., instead of traffic stops administered by officers rely on red light cameras)
- “Defund the Police” – Many people who use this phrase seem to mean transferring budgets from police departments to social service agencies or other entities that currently do the same work that police departments do, such as interacting with people experiencing homelessness
- Massachusetts has proposed a statewide de-certification database for officers, so that if an officer is fired for misconduct from one police department, they cannot be hired at a different police department.
- Restrictions on political candidates accepting donations from police unions

III. **Questions from the Public and Discussion**

(I. Morris)

Members of the public were invited to comment or ask questions on possible reforms.

“When the Albany Police Department draws their gun on someone, is there always a paper trail explaining that action?”

- Cmdr. Batuello
 - Yes. Officers are supposed to be filling out Use of Force paperwork. It is rare that an officer does not fill out paperwork.

“Are there any plans to have renegotiations of police unions; and also, if there’s a mechanism in place to track illegal pullovers?” (the questioner later clarified their first question was concerning rehiring previously terminated officers)

- Cmdr. Batuello
 - He is unaware of any plans to renegotiate the Collective Bargaining Agreement between the department and the city. As of now, if an officer is disciplined or the department wishes to terminate their employment, they have the right to an arbitration.

- There is paperwork that is filed for traffic stops. The Albany Police Department's Office of Professional Standards investigates potential misconduct, but only if there is a civilian complaint. This investigation includes reviewing body camera footage of the stop.

“Has there been discussion for the CPRB to have disciplinary powers, or more power to actually do something concerning police misconduct, and what other powers does the CPRB have?”

- I. Morris
 - She noted there have been long-term discussion of expanding powers.
 - Currently, the CPRB reviews investigations that have been done based on complaints that have been filed. The Albany Police Department's Office of Professional Standards is the entity that investigates. Board members go to the police department to review all records related to the investigation. Then, the board member presents their findings, and the board comes to a conclusion as to the validity of the complaint.
 - The CPRB can set up a face-to-face mediation between the complainant and the officer they complained about.
 - There are nine board members, four are appointed by the Mayor, and five by Common Council.

Matt DeLaus, a student at Albany Law School, discussed some of the recently expanded powers that have been given to Rochester's civilian oversight board, which is now called the Police Accountability Board:

- Independent agency of city government
- Funding, and authority to conduct independent investigations concurrently with the Rochester Police Department
- Ability to investigate anonymous complaints, both from within the department and the public
- Board has a lieutenant or higher available for questions
- No 'suspension of proceedings' clause as there is with the CPRB
- Subpoena Power – Can compel witnesses, documents, etc.
- Review patterns, practices, policies, and procedures of the Rochester Police Department
- Final disciplinary authority (this is being litigated, and the board is currently enjoined from disciplining officers)

“How would subpoena powers change your investigations?”

- Z. Garafalo
 - Subpoena power has been discussed for many years, and frequently comes up during outreach. He thinks it would give the CPRB more access, particularly in light of the repeal of 50(a) and other state-level reforms, and also add a layer of transparency and accountability.

IV. **Brief Description of CPRB Proposals Under Discussion** (M. Ingram)

The board has been gathering a set of recommendations to make to the Common Council and the Mayor for ways to strengthen the work of the CPRB.

- Concerning reducing or mitigative abusive or discriminatory patrol practices, to collect a broader range of data for traffic stops
- Study other oversight boards around the country, and what practices have the best outcomes for public trust and confidence, and see what is workable in Albany
- Some of these proposals will be heavily influenced by some of the state-level reform
- Had previously requested summaries of officer disciplinary records, but that is unnecessary now due to the repeal of 50(a)
- Concerning formerly terminated officers being hired at the same or a different department – there has been state legislation introduced to create a statewide database of terminated officers, so that they cannot be re-hired after a termination.

V. Police Response to Recent Protests and Questions (I. Morris)

Members of the public raised concerns about many issues, including tear gas thrown down empty streets, usage of rubber bullets, curfews being enforced that weren't publicly declared, etc. One member of the public said that she and other community members have been getting differing information from the department, including that "force had been used appropriately, and that we should be grateful that people were not more injured." Questions included:

- How do people follow up after seeing excessive use of force by police?
- How can community members use the CPRB to seek accountability?
- How can community members stop the escalation that they are seeing?

I. Morris noted that the board has been discussing increasing their outreach to increase awareness of the CPRB and its powers and duties. She highlighted the fact that CPRB meetings are public, and asked anyone on the call to invite others who are interested. She also said this is the time to have uncomfortable conversations and come to serious terms on how we move forward.

VI. Transfer to Other Meeting and Adjournment (A. Ayers)

The Board recommended that members of the public join another meeting in progress, at which public officials were addressing questions and concerns on policing from members of the public. Ava Ayers told everyone on the call how to join the other meeting. Ava and board members apologized for the dual-meetings and thanked everyone for their participation.

The meeting was adjourned at 6:35 p.m.