



**CITY OF ALBANY
COMMUNITY POLICE REVIEW BOARD**

*June 18, 2020 at 6:00 p.m.
Via Zoom*

MEETING MINUTES

I. Call to Order & Roll Call (I. Morris & V. Harden)

Board Members Present: Larry Becker, Rev. Collier, Zach Garafalo, Warren Hamilton, Veneilya Harden, Matt Ingram, Ivy Morris, Nairobi Vives

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

II. Welcoming New Member (I. Morris)
Ivy Morris welcomed new board member Nairobi Vives.

III. Discussion of Reforms (I. Morris)
The Board considered a memo prepared by Ava Ayers for the Bylaws and Rules Committee, which proposed a slate of recommendations to be made to the Common Council. (That memo is attached to these minutes.) Matt Ingram explained that while there were many possible reforms to consider, this memo represented the “low-hanging fruit”—the reforms which seemed obviously necessary and not unduly complicated to implement. Thus, the memo was intended as the first step in a conversation which could then move on to more complex reforms.

The Board members and members of the public commented on these proposals, as well as other possible reforms. Matt Ingram moved the adoption of the recommendations in the memo. Zach Garafalo seconded the motion. The motion passed unanimously and the recommendations were adopted.

IV. Scheduling Next Meeting and Adjournment (I. Morris)

Members of the Board agreed with the sentiment expressed by some members of the public that it was important to consider structural reforms to policing in Albany (e.g., proposals to take funding away from policing and devote it to other services). Accordingly, the Board agreed to focus its next meeting on those issues. With this, the meeting was adjourned at 9:00 p.m.

MEMO

To: Members of the Community Police Review Board
From: Ava Ayers
Re: Suggested reforms to propose to Common Council
Date: June 17, 2020

After discussions with Matt Ingram, chair of the Bylaws and Rules Committee of this Board, I drafted this memo to summarize policy proposals which Matt indicated should be presented to the members of the Community Police Review Board.

The Bylaws and Rules Committee asks the full Board to decide, at its next meeting, whether to adopt one or more of these proposals.

Other proposals may follow in the future; these represent the ideas that seemed ready for immediate proposal.

I. PUBLIC ACCESS TO INFORMATION

A. Public Access to APD Policies

- “All Albany Police Department policies and procedures, as well as any collective-bargaining agreements covering members of the Department, shall be made available to the public on the Department’s website within 14 days of their effective date and for as long as those policies, procedures, or agreements are effective. Specific provisions may be redacted if necessary to protect public safety. In the event a policy or procedure is redacted, APD shall forward notice to the Common Council explaining the need for the redaction within 14 days.”

B. Public Access to Disciplinary Information (Implementation of the Repeal of Civil Rights Law 50-A)

- The Albany Police Department shall post online any information about disciplinary actions taken against individual officers that would be subject to disclosure under the Freedom of Information Law.
- Require APD to publish quarterly reports on disciplinary actions taken within the department – complaints, investigations, and their resolution.

These reports should include both individualized information about specific cases and aggregate information.

- The CPRB should have the power to request a report from the Department on whether disciplinary action was taken in any specific case.
- Under no circumstances shall the Department ask any member of the public to pay for access to information that would be subject to disclosure under the Freedom of Information Law.

C. Public Access to Video Footage

- "Upon request by any resident of New York State, the Department shall make any video footage pertaining to an incident public within 14 days, with only those redactions that are necessary." (This would presumably have to be harmonized with FOIL, and the limited circumstances identified in which withholding information would be appropriate.)
- "Under no circumstances shall a person be charged for access to video footage.

D. Public Oversight of Surveillance Technology

- Publicly release contracts for surveillance technology, including UAV, social media scrubbing, phone unlocking devices, etc.
- Every time each is used, create a process to have a master list of each use. Provide that list to the CPRB. Then, provide CPRB with a list of warrants corresponding to uses.
- Information obtained by surveillance will be destroyed as soon as an investigation or related criminal proceedings are finished, and a copy or detailed description of all data compiled on anyone will be relayed to them. There will not be a central collection, database, or comparison of data obtained through surveillance.
 - Chief will create a policy to make a report for everytime these technologies are used
 - Within 30 days, report, and copy of any warrant, get sent to CPRB

E. Public Access to Data on Stops and Other Incidents (implementing new law against racial profiling)

- Require APD to collect data on all stops (traffic stops and pedestrian stops) that includes the race and gender of the person stopped and the officer involved, the nature of interaction between officer and driver (e.g., cordial,

tense, combative), location, the length of the stop, as well as the reason for the stop and the outcome of the stop (search, citation, arrest, warning, etc.). If a search was conducted, it should be clear whether the search occurred prior to arrest or incident to arrest.

- Requiring APD to make all of this data available online on APD's open data site, which has been collapsed into the City of Albany's open data portal (<https://data.albanyny.gov/>). The new data available via city's portal is aggregated to levels of neighborhood and patrol zone. APD should share data at lower level of analysis, e.g., geographic coordinates, street segment, or block level.
- Require APD to compile and report all of this data to the Common Council and CPRB on a quarterly basis.
- Require APD to review policy regarding documentation of incidents other than stops, and consider either (a) requiring officers fill out either field interview card or document incident as "civil problem", or (b) offer complainant option to fill out own "citizen report"; other agencies do this and it allows complainants to document an incident at police department, including getting a formal police report number, even if officer did not think it was reasonable to take a report; this seems like it would alleviate many of the concerns from complainants who express concern that without a report it is as if incident never occurred.

II. CPRB PROCEDURES

F. CPRB Access to Information

Add new sections to 42-342:

"The CPRB shall have full access to information about any officer involved in the events that are the subject of a complaint, including information about prior complaints about that officer and any action taken in response to those complaints. It shall be within the discretion of the CPRB whether to discuss in a public meeting, or include in the CPRB's findings, or otherwise make public, that information."

"When a complaint is filed, and the Department has any audio or video footage pertaining to the incident (including, but not limited to, body-camera footage and dashboard-camera footage), the Department shall make that footage available for viewing by any member of the CPRB upon request. If the Department fails to make the footage available within fourteen days, it shall forward notice to the CPRB and the Common Council explaining the delay. It shall be within the discretion of the

CPRB whether to discuss in a public meeting, or include in the CPRB's findings, or otherwise make public, that information."

G. Delays in Investigating Cases

- Add the bolded language to 42-343(c): "Professional Standards shall begin its investigation of each complaint immediately upon receipt of the complaint. If Professional Standards fails to conclude its investigation within 60 days of receipt of the complaint, it shall advise the CPRB **and the Common Council** in writing of the status of the investigation and the estimated time for the conclusion of the investigation. Thereafter, Professional Standards shall advise the CPRB **and the Common Council** in writing of the status of the investigation every 30 days until the conclusion of the investigation."

III. OTHER REFORMS

H. When Officers Turn Off Recording Devices

- Make it a civil or criminal offense for an officer to deactivate a video or audio recording device such as a body camera when responding to an incident. (Such cases may already constitute obstruction of justice, if they involve the intent to obstruct a possible investigation, but obstruction of justice is difficult to prove.)

I. Criminal and Oversight Referrals

- The Police Review Board shall have the power to make a referral to appropriate criminal and oversight authorities in any case in which its members conclude (and find, by majority vote) that there is probable cause to think that an officer or employee of the Albany Police Department has violated the law.

J. Public Statements about Cases

- "No member of the Police Department shall make a public statement about a case or incident unless they simultaneously make public all documents and recordings relevant to the case, including any material that would be subject to disclosure under *Brady v. Maryland* and related cases."

The Board has expressed serious concern about cases in which the Chief or members of the Police Department have made public statements immediately following an incident. Understandably, these statements are typically favorable to the Department's view of the case. But when the Police Department has in its possession evidence, such as video footage, that may show facts less favorable to the Department, it is unfair to give the public only one side of the story.

- The Common Council should also explicitly give the Police Chief (or their designee) the power to comment on individual cases of alleged misconduct by officers, and encourage the Chief to acknowledge apparent misconduct where he believes it exists.

K. Codify Core Principles

The Common Council should incorporate into the statutory and/or charter provisions governing the Police Department these core principles: trust and partnership (between police and community), transparency, accountability, guardian/protector mentality.