

**CITY OF ALBANY
COMMUNITY POLICE REVIEW BOARD**

*October 15, 2020 at 6:00 p.m.
Via Zoom*

MEETING MINUTES

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

Board Members Present: Ivy Morris, Larry Becker, Matt Ingram, Zach Garafalo, Dr. Veneilya Harden, Rev. Victor Collier

Excused: Nairobi Vives

Not present: Warren Hamilton

Also Present: Ava Ayers, Commander Anthony Battuello, Robert Magee, Al Lawrence

I. Morris called the meeting to order at 6:07pm.

II. Approval of Minutes from September 17, 2020 (I. Morris)

No discussion. The motion to approve the minutes passed unanimously.

III. Approval of the Agenda (I. Morris)

The motion to approve the agenda passed unanimously.

IV. New Business (I. Morris)

Received two new complaints received since August 13, 2020 – CPRB no. #13-20 and 14-20.

V. Case Review
I. CPRB #06-19 (M. Ingram)

i. Summary

Complaint filed in March 2020 – M. Ingram noted that review was delayed due to covid-19. Complainant was drunk and being abusive to greyhound staff. When officers responded, they gave complainant multiple warnings to leave. Complainant refused and was arrested.

Two use of force complaints at the greyhound bus station

- i. Complaint of being thrown to the ground causing a split lip and chipped teeth.
- ii. Complaint that an officer stepped or stomped on complainant's lower leg or hand after they were in custody.

ii. Allegations

1. **Excessive Force**
2. **Excessive Force**

iii. OPS Finding

1. **Exonerated**
2. **Unfounded**

iv. Materials Reviewed

- Greyhound station security footage
- Body cam footage
- Incident paperwork

v. CPRB Finding/Action/Discussion

- Case was reviewed in July and August. Some issues raised in August:
 - i. Disagreement about outcome of case.
 - ii. Ingram moved to support the OPS recommendations.
 - iii. Agreement for Ingram to review disciplinary history.
- On October 7th disciplinary history was reviewed.
- Ingram supported the findings of unfounded for the alleged complaint of their leg being stepped on due to video footage.
- Discussion in August was about whether it was appropriate for the officer to take the complainant to the ground so quickly. Disagreement among the Board about whether this action was necessary.
- Ingram noted that he would like to see more efforts of de-escalation in this interaction.
- Primary officer had 53 use of force incidents over a 5-year period. There is a clear pattern of taking people to the ground. Last use of force report is from 2017.
- Secondary officer had 29 use of force incidents over a 6-year period. Last use of force is from 2014.
- Ingram reviewed the disciplinary history and raised some issues:
 - i. Because there were two officers involved Ingram reviewed disciplinary history for both officers.
 - ii. One was 54 pages and the other was 19 pages long
 - iii. Ingram raises question on how the Board should process all of this information and whether reviewing details of every incident is relevant.
 - iv. Ingram notes it is unclear if Board should compare the history of one officer to another.

Discussion:

Z. Garafalo questions if primary officer was stationed to higher risk unit. M. Ingram replied that he was not able to verify that information. L. Becker asks about how many civilian or administrative complaints have been filed against the officers? Primary officer – 6 admin. 5 civilian, Secondary officer – 7 admin. 5 civilian. Rev. Collier raises question about what Ingram observed in his review of the video footage available. M. Ingram

describes observations. Rev. Collier questions the OPS finding due to what was displayed in the video and notes that narratives may be written differently in officer reports prior to the use of body cams. After further discussion Rev. Collier withdraws opposition to OPS finding. Cdr. Battuello agrees with the notion a good alternative would have been to get the complainant medical treatment. Cdr. Battuello also notes that there were 22 lawful commands for complainant to leave on their own prior to the physical encounter.

Complaint #2: M. Ingram notes that he is unable to reach a conclusion in regard to the alleged complaint of the officer stepping on complainant's hand while handcuffed. Ingram notes that footage was not available to determine a finding. Garafalo questions if he received information from hospital supporting injuries reported. Ingram replied no. Cdr. Battuello clarifies that the allegation stated that the officer stomped on complainant's hand. M. Ingram notes that in the video complainant indicated that an officer stepped on their leg and the written complaint states that an officer stomped on their right hand. Cdr. Battuello notes that witnesses indicated that they did not witness the incident reported.

1. **Exonerated** (unanimous vote in favor)
2. **Not sustained** (unanimous vote in favor)

2. CPRB #03-19

(V. Harden & Monitor)

i. Summary

Complaint filed in November 29, 2019 – Complainant 2 followed an individual to complainant 1's house where complainant 2 called the police alleging someone who entered Complainant 1's house hit their vehicle. Complainant 1 was involved in an auto accident and she feels like officers demeaned and threatened her. Complainant 1 alleges that she was accused of a hit and run. OPS report indicated that complainant 2 was involved in road rage incident with another driver. Complainant 2 followed individual to an address where the driver twice backed up into complainant 2's bumper then left the car and argued with complainant 2 and fled into their home. The other car rolled down the hill and complainant 2's vehicle was hit a third time. Complainant 1 came out of the house and ordered the driver inside. Complainant 1 drove the car into a neighboring driveway and parked the car on the opposite side of the street. When officers arrived complainant 1 confirmed that she is the owner of the vehicle and had no knowledge of anyone driving the vehicle and was home alone. Complainant 1 allowed officers to enter her home to look for suspected driver of vehicle, no one was found.

OPS review began January 31, 2019, 3 officers involved and a state trooper. A report was provided to GLC on July 8, 2020 and a monitor was assigned.

Harden observed the officer being courteous and invited complainant 1 to come outside to discuss the incident and look at the scene. Officer did state politely that he wasn't sure that he believed her story and complainant was offended and backed off from engaging in conversation with that particular officer. Complainant allowed other officers to enter her home and no one was found. Officers decided that they were unable to determine what

actually happened. Officers used discretion not to tow her vehicle. OPS was unable to connect with the complainant, there were several attempts for outreach by phone and in-person, complainant did not respond. The monitor assigned to this case notes that primary officer heard a voice from inside the house as he was speaking with her that gave some basis for stating that he didn't believe her. Officer then requested permission to go into the home which was denied.

Two conduct standard complaints:

- v. Officer was discourteous and rude.
- vi. Complaint that an officer got in her face.

ii. Allegations

- 1. **Conduct standard**
- 2. **Conduct standard**

iii. OPS Finding

- 1. **Unfounded**
- 2. **Unfounded**

iv. Materials Reviewed

- Body cam footage
- Incident paperwork
- Target officer interview
- Insurance report recording
- Complainant 2

v. CPRB Finding/Action/Discussion

Monitor notes that in Complainant 2's interview he stated that he saw no threats or unprofessional conduct by any of the officers.

- 1. **Unfounded** (unanimous vote in favor)
- 2. **Unfounded** (unanimous vote in favor)

3. CPRB #10-18

(L. Becker & I. Morris)

i. Summary

Complaint involves two incidents on August 31, 2018 and September 7, 2018. I. Morris contended that there was so much information, she asked L. Becker and N. Vives to review the matter as well.

Complainant alleges he was walking down First St. and was stopped by officers and was charged with trespassing with two other unknown individuals and possession of marijuana when his vehicle was searched. I. Morris noted that there is a program for property owners to protect their property from trespassers and damage to property. Address where complainant was located is considered a hotspot for police and gives them the ability to approach and request information.

One of the officers on the scene went into an alleyway next to the house where the 3 men was arrested and produced a package of marijuana, one of the men acknowledge the package was his. Complainant was then searched where additional packets of marijuana were allegedly found.

L. Becker notes conversations captured by the body worn cameras but not included in complaint are worth commenting on and questions the arrest authority. L. Becker raises concern about officer disciplinary history. Primary officer had 50 use of force incidents since 2006, 6 formal civilian complaints and 3 administrative complaints.

Complainant states that on the date in question he was taking a friend home, he does not contest having marijuana in his car. He was walking to his car and they stopped him and let his friend go. Another individual had marijuana and admitted it was theirs, it was handled. Complainant didn't understand why he was arrested and they just stopped him randomly. Complainant mentioned a separate matter regarding an alleged assault by law enforcement. Complainant describes incident in detail regarding the confrontation riding the wrong way up the one-way street.

ii. Allegations

1. **Arrest Authority and Procedure**
2. **Call Handling**

iii. OPS Finding

1. **Exonerated**
2. **Exonerated**

iv. Materials Reviewed

- Body cam footage
- Dash cam footage
- Ambulance footage
- Hospital videos
- Incident paperwork
- Target officer interview

v. CPRB Finding/Action/Discussion

Z. Garafalo inquires about if the TAP sign must be displayed on the building. Cdr. Battuello confirms this is a requirement. I. Morris and L. Becker confirm that they saw the sign.

Morris opposes OPS finding #2. L. Becker reiterates particular details regarding the reason the officer towed complainant's vehicle. Becker states that complainant was not informed about the purpose of the towing and the subsequent search. Becker suggests that the commentary between officer in response to complainant is not appropriate. Becker disagrees with the allegations that complainant's vehicle was obstructing traffic. Becker discusses specific details of the officer-complainant interaction. M. Ingram questions whether the justification for towing the vehicle is because it was parked inappropriately?

Complainant provided more context about walking his friend home. Becker provides observations about review of footage. M. Ingram raises a concern about if complainant was targeted. Becker recalls details of interview with target officer and details of interaction during arrest. Becker raises a question about what can we all do to better the relationship between the police and the community? Becker makes suggestion to send case back to OPS to review whether the comments made were appropriate or not. Garafalo questions whether officers were in plain clothes or uniformed. Morris confirms that the board disagrees with OPS finding #2.

1. **Exonerate** (unanimous vote in favor)
2. **Not sustained** (unanimous vote in favor)

L. Becker makes a motion that OPS creates a preliminary finding relating to the comments that were made by the target officer when (a) his vehicle was being towed, (b) when complainant request a friend to call his mother, and (c) when complainant told the officer he doesn't have the rights to tow his car. Z. Garafalo seconds. - Unanimous vote in favor.

Incident #2

i. Summary

Complaint filed in September 2018 – Complainant was riding his bike the wrong way down a one way and officer arrested him. Complainant reports that officers threw him to the ground, knelt on his neck, drove him to a vacant lot, searched him, arrested him, transported him to Albany Medical Center and then back to booking. Complainant states that he sustained injuries and was unable to breath.

ii. Allegations

1. Use of force

iii. OPS Finding

1. Exonerated

iv. Materials Reviewed

- Body cam footage
- Booking station video
- Ambulance video
- Hospital video footage
- Incident paperwork
- Witness interview

v. CPRB Finding/Action/Discussion

I. Morris states that she saw an altercation that was extremely disturbing. Becker raises the issue about whether the decision the officer made to exercise that authority was best practices or not? Becker reviews details of the reported complaint.

Monitor clarifies that the use of force and original stop did not occur in the same place. Discrepancy about what was reported to monitor and what L. Becker observed in body cam footage - whether the officer pursued complainant into a crowd. Complainant provides details of complaint. I. Morris inquires about logistics of sending complaint back to OPS. R. Magee confirms unfounded findings go back to OPS and they have an opportunity to address the deficiencies that the Board brings up. V. Harden inquires about if the officer's disciplinary history was reviewed. L. Becker provides reported complaints for officer. V. Harden questions if there was video footage for when complainant was transported. L. Becker confirms that there is a lot of video footage. R. Magee clarifies that the Board has the option of determining if the investigation was insufficient and ask additional matters are looked into without making a determination and sending back to OPS. **L. Becker suggests** sending matter back to OPS as insufficient. Cdr. Battuello doesn't see any new information coming out of another investigation. Cdr. Battuello suggest that the matter be split into parts because they are isolated incidents. L. Becker suggests adjourning to discuss at the November board meeting. I. Morris seconds. Unanimous support in favor.

VI. Committee Reports

- i. By-Laws and Rules
There were no updates.
- ii. Outreach
There were no updates.
- iii. Mediation
There were no updates.
- iv. Police Liaison
There were no updates.
- v. Monitor Task Force
There were no updates.
- vi. Public Official Liaison
There were no updates.

VII. Report From Government Law Center

There were no updates.

VIII. Report from OPS

There were no updates.

IX. Public Comment

No comments.

X. **Meeting Adjournment**

(I. Morris & Rev. Collier)

The meeting was adjourned at 9:05PM.

