

**CITY OF ALBANY
COMMUNITY POLICE REVIEW BOARD**

December 10, 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 (late), Dr. Veneilya Harden, Nairobi Vives, Paul Collins-Hackett

Also Present: Ava Ayers, Commander Anthony Battuello, Robert Magee, D/Lt. Decker

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

Welcomed new Board member Paul Collins-Hackett.

II. Approval of Minutes from Oct. 1, 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)

One new complaint received since Nov 12, 2020 – Case no. #15-20

V. New Board Member Welcome (I. Morris)

Introduction of Paul Collins-Hackett

*Suggestion for Criminal Procedure refresher or update for board members. (M. Ingram)

VI. Case Review

1. #10-18 – OPS: #2018-023 (I. Morris and L. Becker)

- I. Morris requested to have other CPRB members review the complaint because there were concerns about what was viewed from bodycam footage. L. Becker and N. Vives both stepped in to review the case.
- L. Becker met with CDR. Battuello and D/Lt. Decker at OPS today regarding the case. L. Becker wanted OPS to take another look at the case and video footage.
- OPS is going to reexamine the case based on feedback from CPRB members.

- L. Becker made three separate visits to review bodycam footage available from different officers. Much information provided in the footage deserves closer examination and re-examination.
- Seeking to have complainant join meeting in future discussions. Complainant unable to join today's meeting.
- N. Vives also reviewed footage although not as much as L. Becker, based on what was reviewed she agrees with the recommendation for OPS to reexamine case.
- *Case still on hold*

VII. Committee Reports

i. By-Laws and Rules

(M. Ingram)

- Schedule in the Spring - M. Ingram has a conflict with his work schedule which will cause him to miss the February, March, and April meetings. Will not be available until May. Question if board will consider absences excused and if the board will have quorum, can be present remotely but unable to participate or vote. *Not resolved.*
- Return to policy reform recommendations – Met on Nov. 19th V. Harden, I. Morris, L. Becker, CDR. Battuello, D/Lt. Decker, possibly R. Magee present. Productive discussion about reform proposals. Goal to review and vote tonight to speak as a board to get proposals before the Common Council prior to Dec. 14th meeting. M. Ingram circulated a memo mid-day today for the board to consider at this meeting.
- Proposals – See M. Ingram's Dec. 10, 2020 Memo Re: CPRB Bylaws and Rules Committee; reform proposals.
 - Authorize CPRB to have larger role in disciplinary process for all misconduct allegations (Proposal #1)
 - Independent role to impose discipline
 - **Authorize CPRB to express judgment about appropriateness of disciplinary action prior to the imposition of discipline.**
 - Within 30 days, OPS shall provide CPRB: (1) nature of offense; and (2) nature of disciplinary action(s) being considered
 - 1 year from receipt of incident report to reach a disciplinary decision
 - May want to endorse an independent authority to issue disciplinary action.

*Comment from member of public (See Public Comments)

- N. Vives, I. Morris, L. Becker support both proposals going forward before the Common Council by Dec. 14
- **M. Ingram makes a motion** to request that the City authorize CPRB to have independent disciplinary authority. L. Becker seconds motion. -Unanimous board vote in favor, no abstentions or opposition.
- **M. Ingram makes motion** for the CPRB to have authority to express appropriateness of disciplinary action prior to the imposition of

discipline. – Unanimous board support in favor, no abstentions or opposition.

- Discussion: I. Morris reviews section of memo titled *“Motivation: Distrust appears to be everywhere, and CPRB wants to help build trust all around – of community in police, of police in community, of community in CPRB, and of police in CPRB.”*
- Authorize Full Inspection/Audit of Police Records Related to Alleged Misconduct or Formal Complaints (Proposal #2)
 - Allow CPRB to access and inspect police records related to misconduct or formal complaints including audio or video footage.
 - M. Ingram noting that the CPRB and OPS are already practicing what is mentioned in the proposal. Moot, something CPRB is already doing following the repeal of 50-A, however, it is not written down anywhere.
 - **M. Ingram makes a motion** in favor of approving proposal. L. Becker seconds motion. - Unanimous board support in favor, no abstentions or opposition.
- To ensure that the CPRB is representative of the community. (Proposal #3)
 - Civilians should be allowed or appointed to elect at least one member that is a victim of police brutality and at least one member that resides in a neighborhood or district with disproportionate police activity/arrests.
 - **M. Ingram makes a motion** in favor of approving proposal. V. Harden seconds motion. - Unanimous board support in favor, no abstentions or opposition.
 - Discussion: N. Vives suggests language describing how the neighborhood or wards are identified should be added to the proposal. about how data and statistics would determine eligibility for districts would display disproportionate police activity. I. Morris supports specificity in language determining what CPRB means about neighborhoods or districts with disproportionate police activity.
- To authorize and fund CPRB to conduct an annual survey of police-community relations. (Proposal #4)
 - **M. Ingram makes a motion** in favor of approving proposal. L. Becker seconds motion. - Unanimous board support in favor, no abstentions or opposition.
- Implement different model for minor traffic infractions. Study current state of traffic enforcement by APD officers and determine if there is a connection between the cameras and stops conducted by APD officers. (Proposal #5)
 - **M. Ingram makes a motion** in favor of approving proposal. Z. Garafalo seconds motion. – I. Morris votes to shelve it, N. Vives opposes proposal. Proposal skipped.

was complete and submitted for final review. After that the CPRB would schedule it for public review. CDR. Battuello describes standard practices when handling complainant requests. N. Vives does not think our process should take precedent over providing the complainant with information. N. Vives and I. Morris support V. Harden's proposal. CDR. Battuello reiterates that he does not want other complainants to feel as if they didn't have that opportunity available to them, especially the ones that are still waiting.

A. Ayers scheduled meeting for Thursday, December 17th at 5:00PM.

- v. Monitor Task Force (L. Becker)
Looking forward to appointment of newly hired monitors. A. Ayers confirmed that monitors are scheduled to go through the police academy. Once they are finished they can be appointed to cases.
- vi. Public Official Liaison (I. Morris)
I. Morris thanks everyone for their participation in community engagement forums.

VIII. Report From Government Law Center

1. Albany's Policing Collaborative

Timeline has changed mid to late January when each of the working groups makes their full recommendations to the Collaborative. A. Ayers is the co-chair of the civilian oversight working group along with Tandra Lagrone from In Our Own Voices. L. Becker, CDR. Battuello, and others will be making group recommendations in regard to oversight, accountability, and transparency to the Collaborative in January. That plan will be provided to the Common Council which will eventually vote on the proposed recommendations. A. Ayers emphasizes that the document is a plan and not proposed legislation, which would come later.

A. Ayers explains based on community feedback; community members requested a forum inaccessible to law enforcement. Meetings were scheduled with the co-chairs of the working groups. Poor attendance for the meetings. Members changed meetings back to public forum with the option for one closed session. There are a series of meetings in December and January. Any member of the public can comment at these meetings. Public meetings will be coming to an end in mid-January and then groups will move forward with drafting recommendations.

IX. Report from OPS (CDR. Battuello)

Hiring:

- Currently in the hiring process for sworn police officers and telecommunications specialists. Still processing police applicants off of the civil service list, anticipate a new class to be entered sometime in early 2021.
- There has been covid-19 exposure in APD recently, that are a lot of inaccuracies being reported by unauthorized sources. It is under control now and all cases are resting comfortably at home. CDR. Battuello mentioned setbacks to staffing levels due to covid-

19 but they are putting emergency precautions in place to ensure that there is no interruption with services moving forward.

General Orders:

- Generals are up for public review located at: <https://old.albanyny.gov/Government/Departments/PoliceDepartment/generalorders.aspx>

There will be updates depending on recommendations that come out of the Collaborative or the CPRB that will be located on the website.

In the works:

- Seeking to develop a national APD public website. Hope to complete within the next few months.
- The First St investigation will be an administrative investigation. The data in regards to the First St investigation will be released publicly per policy. Hopes to include reports on the landing page of the City of Albany's website.

Training:

- Had a setback for the Civilian Police Academy due to covid.
- Evaluating week by week to try to keep everyone safe.
- Hopes to reengage after the holidays.
- In the future, suggesting more internal training for the board (i.e. legal updates, board levels, legality of issues raised in complaints, etc.)

X. **Nominations for upcoming Elections** (A. Ayers)

Chair:

- Z. Garafalo
- N. Vives

Vice-Chair:

- V. Harden

Secretary:

- P. Collins-Hackett

Nominees will share vision about where board should go in the future, if they accept the nominations.

XI. **Public Comment**

Luke Forbes: Proposal would require more language, however, supports suggestion and believes it will be beneficial for CPRB to have a place in the disciplinary decision-making process.

Discussion of the Police Reform Collaborative and whether community members' input is taken into consideration, as well as whether Facebook Live or Zoom could be better used to facilitate community input.

We need to make the CPRB “have teeth” has to be it’s own separate department and separate from OPS. CPRB needs to be written into the police union contract. How do we make this a functional division of the community? Describes various interactions witnessed regarding APD misconduct.

Bhawin Suchak: Questions about a complaint he filed in June 2020, he heard previously that some take a year or longer. Thinks it’s a very long time and it makes complainants wonder if the complaint is being processed or if they are looking for reasons to dismiss the complaint.

Is there data on the number of active complaints being reviewed by CPRB? Process is overly bureaucratic, feels like it serves city government but a lot of people do not understand the process of what the CPRB does, what ACPAC is, what this Collaborative is. Recommended strong push for what these groups are because there are a lot of complaints and misunderstandings about the various roles and capacities with organizations and groups involved.

Suchak raised concerned about not hearing back in a timely manner for extremely egregious cases. All members on the board are lawyers or professionals and often get caught up in their own language and vocabulary that makes it difficult for community members to understand. Process should be simplified in a way that gets the work done but is also clear to the public.

Suchak notes the broken links within the city website should be repaired to support the public.

Suchak describes tear gas incident and the fact that many residents affected did not know how to file a complaint. Not enough transparency about where their case is, what stage it is in, and when to expect an answer. I. Morris confirmed that they will look into where his case is and will contact him offline. CPRB will look into feedback.

XII. Meeting Adjournment

(I. Morris & N. Vives)

The meeting was adjourned at 8:58PM.