

**CITY OF ALBANY
COMMUNITY POLICE REVIEW BOARD**

January 14, 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, Dr. Veneilya Harden, Nairobi Vives, Paul Collins-Hackett, Zach Garafalo, Rev. Victor Collier

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

I. Morris called the meeting to order at 6:05pm.

II. Approval of Agenda (I. Morris)

The motion to approve the agenda passed unanimously.

III. Approval of the Minutes (I. Morris)

The motion to approve the minutes passed unanimously.

IV. New Business (I. Morris)

No new complaints have been received recently.

V. New Staff Member (I. Morris)

Introduction of Melody Harkness

VI. Case Review

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

- L. Becker sent a memo summarizing his review of the case.
- Board members agree that memo highlighted significant points, was thorough and well-written, and possibly can be used as a template for other cases.
- L. Becker – Typically goes through the recommendations that OPS provides, he does not wish do what they typically do in regards to call handling and excessive force. The complaints the Board receives now are very different now that we have body cams, materials to review are extensive now. In this particular complaint **Recommendation for OPS to take two complaints back and review carefully the actions of the target officer and all of the officers who participated.** Think of it not just in the context of whether they have the legal right to do what they did but whether the judgment they exercised fell within the best practices, whether

prosecutorial discretion was properly exercised, whether past history or bias interfered with officer's judgment. Both incidents were examples of poor practice. There was an underlying threat of disrespect that L. Becker observed and it needs to go back to OPS. Reviewed body cam footage extensively. There didn't seem to be an objective thread to justify what the officers did. L. Becker noted discrepancy in the charges stated to the complainant and the charges filed.

- **L. Becker makes a motion** to send two complaints back to ask OPS to review and reopen matter for investigation taking into account the observations in the memo. I. Morris seconds. Unanimous board support in favor, no abstentions or opposition.
 - i. Discussion: I. Morris confirms that the written complaint is different from what they see. Cdr. Battuello: everything mentioned are good recommendations, in this incident occurred 2 years ago and they have come a long way since. He was not in leadership at the time that this incident took place. Thinks the detective did a thorough job. In reference to conduct and use of force, if this occurred today it would be a completely different conversation. More concerned about the conduct and the exchange between the officers and the complainant. In the overall review, they did not have a conduct violation. P. Collins-Hackett: there is a situation where we have audio and visuals of an officer being dishonest. Questioned whether that is a situation that OPS can take action on. Cdr. Battuello responded no, lying is a violation subject to termination. Cdr. Battuello commends memo.

L. Becker recalls details of the particular investigation and highlights discrepancies. L. Becker's personal issue with this case is respect, the community wants a police force they can respect. Cdr. Battuello does not disagree with L. Becker's opinion, however, they only investigate the matter within the confines of what is reported in the complaint. L. Becker disagrees because OPS and APD know better. Cdr. Battuello clarifies that they don't ignore inappropriate behavior. Contends reopening the investigation would be a disservice to other complainants and with it being two years ago there is not a way to right those wrongs.

N. Vives asked if officer is still employed with APD? Yes. If this interaction is held to community policing standards, it was violated. Officer should be held accountable retroactively because it is unlikely that he self-corrected his behavior. P. Collins-Hackett notes that the lying aspect of the incident should be a violative offense. Cdr. Battuello notes the the disception was never brought up in the investigation. Cdr. Battuello highlights the difference between deception and not recollecting everything that happened.

- **Cdr. Battuello confirmed that it is in the best interest of the complainant to re-assign this case for investigation.** *Case will return to Board after re-investigation.*

VII. Elections

Zach Garofalo, previously nominated for Chair, withdrew himself from consideration in light of his ongoing military service, which would make it impossible for him to fulfill the duties of Chair. Accordingly, there was only one candidate for each position:

Chair

Nairobi Vives

Vice Chair

Dr. Veneilya Harden

Secretary

Paul Collins-Hackett

Board voted unanimously in support of the candidates for designated positions. Many members spoke to thank the outgoing chair, Ms. Morris, and to express their support for the new Executive Committee.

VIII. Report from OPS

(Cdr. Battuello)

- Cdr. Battuello makes a recommendation that all cases have an independent monitor assigned to it to be more transparent. (This recommendation requires a legislative change; it will be incorporated into the recommendations of the Mayor's Police Reform Collaborative.)

Hiring:

- Still aggressively hiring for police officers and telecommunications specialists.
- They are getting to the end of the civil service list.

Training:

- Wants to start implementing a training program or informationals for board members about law enforcement.
- Almost done with the current civilian police academy. They have the capabilities to onboard new board members.
- If anyone wants to return to the academy they are open because they have made some changes to training, [general orders](#), etc.

IX. Committee Reports

i. By-Laws and Rules

(M. Ingram)

There were no updates. Reminder that M. Ingram will be unavailable for the next three scheduled meetings.

There are two things that come up when assigning monitors:

- Excessive use of force
- Violation of civil rights

In response to Cdr. Battuello's proposal to assign monitors. Board has varying definitions of civil rights, it may be easier for the Board if that is implemented. Doesn't want it to be interpreted waiving mediation.

ii. Outreach (Z. Garafalo)
There were no updates.

iii. Mediation (Rev. Collier)
There were no updates.

iv. Police Liaison (V. Harden)
Seeking an update from Cdr. Battuello or D/Lt. Decker about a particular case. Informal discussion about logistics of meeting. D/Lt. Decker confirmed complaint is finished and should be sent over early next week.

v. Monitor Task Force (L. Becker)
There were no updates. Looking forward to new 2021 monitors.

vi. Public Official Liaison (I. Morris)
There were no updates.

X. **Report From Government Law Center**

Hiring & Onboarding

Hired Melody Harkness our new Program Manager, consider her the primary contact for the Board. Scheduling training for new board members.

Collaborative

The various working groups will be making their recommendations and a draft will be prepared. The draft will be shared with the Board. Ayers attempted to incorporate many of the recommendations the Board made.

Administrative

Now caught up on minutes, seeking to get caught up on our quarterly and annual reports. Interested in approving the reports this year, we will be seeking feedback from the Board.

XI. **Report From The Chair**

Time spent on reviewing matters will likely increase. Acknowledges that are members of the community who are interested in being a part of the board.

XII. **Public Comment**

No comments.

XIII. **Meeting Adjournment**

The meeting was adjourned at 7:30PM.

(I. Morris & Rev. Collier)