

**CITY OF ALBANY  
COMMUNITY POLICE REVIEW BOARD**

*October 14, 2021 at 6:00 p.m.*

Via Zoom

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**MEETING MINUTES**

- **Call to Order and Roll Call** (N. Vives)

Board Members Present: Nairobi Vives, Paul Collins-Hackett, Dr. Rev. Victor Collier, Dr. Veneilya Harden, Matthew Ingram, Victor Person, Zach Garafalo

Also Present: Commander Joshua Laiacona, Matt Toporowski

Excused: Larry Becker

Not Present: Kevin Cannizzaro

N. Vives called the meeting to order at 6:06pm.

- **Approval of the Agenda** (N. Vives)  
Motion to approve agenda passes unanimously.

- **Approval of Minutes** (N. Vives)  
Motion to approve August 26<sup>th</sup> meeting minutes passes. One abstention.

- **New Business** (N. Vives)  
Five new complaints received since September 9, 2021.

- **Case Updates** (M. Harkness)

According to Detective William Pierce, the complaint filed on September 15, 2021 involves an incident that occurred in Altamont against an Albany Co. Sheriff.

**Motion to reject case due to it being outside of CPRB's jurisdiction passes unanimously.**

- **Case Review**  
CC2019-032 (Z. Garafalo & V. Person)

Garafalo inquires if complainant is present. Complainant is not present. No monitor assigned.

*Background*

On December 13, 2019, Complainant was IDed when picking up child from school. The school contacted the school resource officer who asked complainant to leave by school officer and officer pulled stun gun out.

Target officer is no longer employed by APD, did not leave due to performance or disciplinary issues. The school did not produce video camera footage requested by Detective and OPS.

Complainant was allegedly aggressive and was scaring parents and children nearby. The Principal asserted that the target officer did not draw her taser which conflicted with OPS review that confirmed that target officer indeed did draw their taser.

#### *Evidence Reviewed*

Complainant's 911 call, OPS notes, target officer's disciplinary history, interdepartmental correspondence about what the school resource officer does, narrative from target officer, radio transmissions, body cam foots from another Officer present, audio from interview conducted by investigating detective with the school principal (only witness available).

#### *Case disposition*

#### **OPS Findings:**

1. Conduct Standards – No Finding – where the officer is no longer employed by the City.

**Motion to accept OPS findings. Motion is seconded. Motion passes unanimously.**

#### **CPRB Findings:**

1. Conduct Standards – No Finding – where the officer is no longer employed by the City.

#### **Discussion:**

Person indicated that he was concerned about the age of the case and that the principal indicated that he would have to look into finding the video. Person noted that there was a lot of redacted information which required Garafalo and himself to go through the case for 2 hours.

Question: Ingram wants to know if they conclude on the merits even in the case of when an officer is no longer employed by the City of Albany?

Ingram provides proposed changes to the Bylaws and Rules that would allow the board to rendered a finding in these circumstances.

Garafalo agrees that there should be further discuss regarding policy changes. Vives agrees that there are practical implications for complainants and that the Bylaws and Rules Committee should discuss this further and bring OPS into the conversation.

*Background*

Ingram inquires if complainant is present. Complainant is not present.

On September 4, 2020, Complainant noticed that their truck was being towed away without warning nor citation. Complainant went to a local body shop and noticed an APD officer who complainant alleges has a relationship with the business owner. Complainant approached the officer to ask a question and reports that officer was rude, dismissive, and disrespectful.

Officer was working a graveyard shift and received a call for an illegally parked vehicle in this neighborhood. Officer ended the shift early in the morning and started a new shift as a neighborhood enforcement officer and came in his personal vehicle where he contacted the towing company.

Ingram conducted his review on July 8, 2021.

*Evidence Reviewed*

Documents related to two shifts the targeted officer worked, disciplinary history,

\*no bodycam footage was available due to officer's failure to turn on his body-worn camera.

*Case disposition***OPS Findings:**

1. Call Handling – Not Sustained – were the review fails to disclose sufficient facts to prove or disprove the allegation made in the complaint.
2. Call Handling – Ineffective Policy or Training - where the matter does not involve guilt or lack thereof but rather ineffective departmental policy or training to address the situation.

**Motion to accept OPS findings. Motion is seconded. One opposed on the first allegation. Motion passes.**

**CPRB Findings:**

1. Call Handling – Not Sustained – were the review fails to disclose sufficient facts to prove or disprove the allegation made in the complaint.
3. Call Handling - Call Handling – Ineffective Policy or Training - where the matter does not involve guilt or lack thereof but rather ineffective departmental policy or training to address the situation.

## **Discussion:**

Ingram notes that there isn't sufficient information one way or the other and encourages the board to follow up on discussion about officer's use of bodycam policy violations. Ingram also notes that the policy violation in this case is not in the officer's disciplinary history.

Cdr. Laiacona clarified when counseling is issued, they do not consider that discipline and it's more of a training and advisement action. Counseling forms are removed from files after six months. Repeated violations rise to another level where it will not be removed from the file.

Matt Toporowski states that depending on how disciplinary matters are resolved, on the resolution there can be a stipulation where officer agrees to additional training, loss of time, or whatever the result may be taken out in six months.

Matt Toporowski explains the difference between the personnel file and the OPS case file.

Question: Vives asks where is the record for the first violation?

Cdr. Laiacona states that information remains in the case file, which will always contain all of the documents. The memos are removed from the officer's personnel file.

Cdr. Laiacona confirms that the documentation is in the case file.

Question: Is it safe to assume that the incident was a first-time violation?

Cdr. Laiacona was unable to confirm this information. Most likely this was a first-time occurrence which would result in training.

Question: Collins-Hackett seeks clarification about the case file and personnel file and which one involves the remove of counseling memos in six months.

Cdr. Laiacona provides clarification of OPS policy and process confirming that documentation remains in the case file but is removed from the personnel record. Officer would not have been issued counseling if they have been counseled previously for the same issue.

Collins-Hackett wants to take into consideration of other incidents of misconduct to review along with the case file. Cdr. Laiacona states that they will have to review union contracts to confirm that they are able to share such information.

Question: Vives asks if there is a clear indication on the counseling memo that this is a first violation?

Vives notes that members expect to review complete files when they conduct case review.

Cdr. Laiacona states that once they make a determination that a policy is violated, the case is closed, counseling forms are issued, and then they go back up chain of command.

Question: Is there a process in place to notify members if the case file is awaiting additional documents?

Cdr. Laiacona responds that they generally only have members come in when the case file is complete.

Question: Garafalo asks if Neighborhood Engagement Unit officers are assigned patrol vehicles?

Cdr. Laiacona responds no, they have foot beats and are given bicycles. During the winter months, they can be assigned extra vehicles, if they are available. APD doesn't usually have vehicles to give them. Officers are allowed to use their personal vehicles to move to different locations throughout the city where they walk around and do their work.

- **Committee Reports**

- i. By-Laws and Rules (Ingram)  
There are no updates at this time.

- ii. Outreach (Collin-Hackett)  
We have been joining the meetings of a local advocacy group for Local Law J. Collins-Hackett will share the calendar with the rest of the members to find events to table at. The group is also doing phone banking as well.

There was a press conference that happened this week. Many members have been involved and members are encouraged to participate.

- iii. Mediation (Rev. Collier)  
There are no updates at this time.

- iv. Police Department Liaison Committee (Harden)  
On October 12<sup>th</sup>, Nairobi, Veneilya, GLC and Matt Toporowski met to discuss our request for updates and outstanding cases. We discussed that OPS assist us with identifying a process for board members to review cases remotely. We also requested to have updates on case statuses and the CPA complaint, and the next CPA training, in particular.

Cdr. Laiacona will be following up on the requests. We decided that we will be holding these meetings monthly going forward.

Matt Toporowski added that he will be working with the Commander on fulfilling some of those requests and providing refreshers on confidentiality.

- iv. Public Official Liaison Committee (Vives)  
Nairobi met recently with Corp. Counsel and others from the Mayor's Office about the Sealing Clinic that will assist individuals with certain eligible-offenses get their records sealed with the assistance of attorneys and other community organizations. This is an opportunity for outreach to table at this event.

Matt Toporowski states that date of the event is November 10<sup>th</sup> at the STEAM Garden on Central Ave. Flyers and sign-up forms will be distributed.

- v. **Monitor Task Force** (Becker)  
There are no updates.

- **Report from Government Law Center** (Harkness & Ayers)  
Our new leadership is getting acclimated and a formal introduction is scheduled for the next board meeting. We have a couple of students assisting us with outreach, their current priority is refreshing the website to get photos and bios update.

Looking forward to circulating a job description to recruit candidates for the Monitor Task Force.

GLC is also working with NYC CCRB on facilitating an event that would convene civilian oversight boards and hopefully attract the attention of state legislators. GLC will provide updates as event progresses.

Members should set up CPRB emails.

Two students, Andrew Doody and Megan McKay, are working with Professor Ayers analyzing Local Law J to provide guidance on what changes should be made to the Bylaws and Rules. Ayers provides specific examples about what sections will require changes if Local Law J is passed.

Public Safety Committee held a meeting on Local Law L that would develop a Public Safety Commission. Professor Ayers believes this is something that is in the works for next year.

- **Report from OPS** (Cdr. Laiacona)  
APD is looking into a way to appropriately distribute information electronically to the board. Cdr. Laiacona is reviewing cases for mediation and needs to situate what to do with them. They are open to coming up with a collaborative way to integrate the CPRB into the CPA training.

- **Report from the Chair** (Vives)  
There are no updates.

Let's take the time to vote on November 2<sup>nd</sup> and push for Proposal 7.

- **Public Comment**  
No comment.

- **Meeting Adjournment** (Vives)  
Meeting adjourned at 7:35PM