

**CITY OF ALBANY
COMMUNITY POLICE REVIEW BOARD
BYLAW AND RULES COMMITTEE
MEETING**

*March 30, 2021 at 5:30 p.m.
Via Zoom*

MEETING MINUTES

I. Call to Order (N. Vives)

Board Members Present: Larry Becker, Matt Ingram, Nairobi Vives, Victor Person, Paul CollinsHackett

Also Present: Ava Ayers, Commander Anthony Battuello, D/Lt. Mark Decker, Robert Magee, Danielle Hille, Laurie Shanks, Rachael McGuire, Lillian Moy, Dara Gilmore

N. Vives called the meeting to order at 5:35pm.

II. Possible CPRB Actions Following Up on Local Law J and the Albany Police Reinvention and Collaborative Plan (N. Vives)

Ayers provided background on the purpose of the Albany Police Reinvention and Collaborative and where we are now to discuss next steps. Ayers provided background: two different (but overlapping) sets of proposals have been made to Common Council—one set of proposals in three letters from CPRB, and the other by the Collaborative. The Common Council passed Local Law J in response to the CPRB’s proposals; it adopts some, but not all, of the CPRB’s proposals. The Common Council has thus far passed a resolution adopting the Collaborative’s recommendations, but is waiting for the Mayor’s office to produce draft plans that are ready to implement. Members of the Collaborative have been uncertain as to whether all, or only some, of their recommendations will be included in the plans being drafted by the Mayor’s office. Hille explained that the Mayor’s office is drafting a plan that will be more robust, provide more structure, and monitor implementation that will be shared with the working groups.

The Common Council, when it received the Collaborative’s final report, said that it wanted to see a plan ready for implementation; the Collaborative’s report was for the most part recommendations rather than proposals ready to implement. Apparently the Mayor’s office is working on more implementable proposals, and considering hiring an outside professional to

draft the document. Common Council adopted the Collaborative's recommendations with a caveat that it wanted more concrete plans.

Some of the Collaborative's recommendations, especially those from the General Orders Working Group, are ready to be implemented immediately. Others, including some from the Civilian Oversight Working Group, require further planning and drafting. Hille suggested that the Government Law Center could help by analyzing the recommendations to determine which required action by the Common Council or funding or further planning, and which are ready for immediate implementation. There was consensus that this was a great idea, and **Ayers agreed to assign students to this project.**

Collaborative members and CPRB members expressed a desire to be involved with the process of drafting in which the Mayor's office is currently engaged.

The group discussed specific issues on which further recommendations might be useful:

- Shanks raised the recommendation to replace school police officers with counselors or psychologists.
- Becker noted that there was a report regarding a judicial decision that proposed acknowledging only one police union contract in Albany. Becker recommends that the Board seek to obtain some stakeholder status to participate in the bargaining process as it pertains to police oversight. **Recommendation to make CPRB stakeholder in police bargaining agreement.** Described "Friends of Lincoln Park" stakeholder status as a local example of the city involving this group's participation in a city project. Collins-Hackett will provide Becker with guidance that Lincoln Alliance used in gaining this status in this particular project.

Vives recommends taking proactive measures while the Mayor's office works on the draft. **Vives suggests forming a subcommittee to take a look at both sets of recommendations.** Shanks notes that the school resource officer recommendation is a topic both groups agree on and that they should start there. **Ingram supports further discussion about school resource officer recommendation.**

Vives supports providing a timeline for the recommendations provided to the mayor's office. Vives asked Cdr. Battuello if they had any knowledge about changes to general orders based on Collaborative recommendations. **Ayers proposed GLC interns and Ingram work together on a draft to send to Common Council regarding further recommendations on civilian oversight. Ingram agreed.**

Collaborative members discussed the missing sections of their recommendations in the final draft of the plan. Hille suggested that someone from board inquire about joining the committee on covid relief funding appropriation. Discussion about Ithaca having significant reform model.

In sum:

- **Ayers will work with team of interns to sort recommendations from the**

Collaborative and CPRB according to what further steps are needed to implement each recommendations.

- Hille, Vives, and Moy will work on General Orders working group action items.
- Ingram, Ayers, and interns will work on further civilian-oversight proposals based on the recommendations from the CPRB and the Collaborative that have not yet been implemented.
- Members will communicate with the Mayor's office about being involved in the drafting process before the release of plans to implement the Collaborative's recommendations.

III. **Statewide Advocacy Letter**

(N. Vives)

The group discussed a draft advocacy letter addressed to the State Legislature. Vives provided intent and purpose of statewide advocacy letter. Ayers also explained progress of the draft that the Board is seeking to distribute for statewide stakeholder endorsement. Ayers shared the letter and discussed recommendations provided. Ingram and Vives support the recommendations suggested in the letter.

Hille asked if there would be legal problems with the letter's proposal to create a statewide licensing board with the power to take away police officers' license to practice, in light of the history of the [Commission of Prosecutorial Conduct](#), which was to be that independent body that would conduct investigations of misconduct. Prosecutors filed a lawsuit and law was deemed unconstitutional. Ayers explained that no similar problems would arise with a professional licensing body, because the problems with the prosecutorial commission related to separation of powers, a concern that doesn't arise in professional licensing.

Cdr. Battuello states that he does enforce civil service law for employees who resign during an administrative investigation. Provided that police certification through the department of civil service can be rescinded. The officer does not have to be terminated in order for the law to be enforced. Informal discussion about decertification processes for attorneys, doctors, counselors, emergency responders, etc.

Vives inquired about if a county level officer is working on a municipal level, that they would need to comply with the standards of that particular municipality. Hille responded that there may be policy or rules out there that support her question. Vives wants to see if the language is codified. Cdr. Battuello responded that NYS police and Albany County Sheriffs have that jurisdiction. Cdr. Battuello suggests have a memorandum of understanding (often called an "MOU") in place so they can have an understanding of how all officers should operate and not have conflicting issues if there is an administrative investigation launched while they are working alongside City of Albany officers. Cdr. Battuello clarified that those entities have their own rules and polices and that APD no authority to hold them accountable. Language can be codified in the form of the agreement between APD and the other entity for the particular period of time designated for the purpose of the other entity's involvement. **Vives requested that we find the language and add it to the letter.** Hille described that this is a practice that frequently happens in other municipalities especially rural communities. Vives provided example of a

complaint against a State Trooper where the complaint has no other avenue to file a complaint. Hille expressed that Sheriff/State Trooper may be receptive, however, if it is an overlapping jurisdiction that may lead to conflict?

Discussion about tabling legislation draft until the next session.

IV. **Public Comment**

No comments.

V. **Meeting Adjournment**

The meeting was adjourned at 7:30PM.

(N. Vives)

