



**CITY OF ALBANY
COMMUNITY POLICE REVIEW BOARD
PUBLIC MONTHLY MEETING
MEETING MINUTES**

*February 1, 2023, at 6:15 p.m.
Albany Law School, Room W212*

I. CALL TO ORDER AND ROLL CALL (N. Vives and V. Harden)

Chair Vives called the meeting to order at 6:18 PM.

BOARD MEMBERS PRESENT: Nairobi Vives, Dr. Veneilya Harden, Paul Collins-Hackett, Kevin Cannizzaro, John Levendosky, Victor Person, Rev. Victor Collier, and Antoinette Santos

OTHERS PRESENT: CPRB Program Manager Michele Andre, GLC Deputy Director Patrick Woods, Council Member Thomas Hoey, APD Chief Eric Hawkins, APD Deputy Chief Anthony Battuello, Assistant Corporation Counsel Matthew Toporowski, OPS Commander Joshua Laiacona, Josiah Jones, Mike Delano, Andrew Law, Russell Bloom, Barry Ginsberg, Brenda Baddam, Rania Adwan and Tabetha Wilson

II. AGENDA (N. Vives)

CPRB Chair Nairobi Vives started the meeting by explaining where CPRB derives its authority. In November of 2021, the Albany Community voted to enhance the responsibilities of the CPRB, including working with Chief Hawkins and the Albany Police Department to develop a discipline matrix. A discipline matrix is a table that outlines types of misconduct that warrant discipline and has default actions that will be taken for the specified misconduct, with noted adjustments based on the officer's previous disciplinary incidents. The use of the discipline matrix supports internal procedural justice in police agencies and can provide benchmarks for comparing discipline decisions which can assist in identifying potential disparities based on ethnicity, race, or gender.

A racial bias audit was conducted by the research firm, CNA, and they recommended that APD should develop a discipline matrix to ensure disciplinary decisions are fair, consistent, and equitable for all personnel. They also recommended that the APD regularly analyze

discipline decisions in comparison with presumptive discipline options to determine whether disparities emerge with respect to discipline based on office ethnicity, race, or gender.

Chair Vives added that while beginning the process of creating the disciplinary matrix, it is important to review and learn from other police review boards and oversight agencies.

Past and Present Guidelines

(Chief Hawkins)

Chief Hawkins said the APD fully supports the Albany voters who expect full collaboration and cooperative efforts between the CPRB and the APD. The current disciplinary process incorporates a lot of different elements and can be restricted at times by the collective bargaining agreement. The CBA gives the officers the right to binding arbitration. Any disciplinary matrix or disciplinary procedure is subject to binding arbitration. Chief Hawkins believes that the disciplinary matrix will make the APD more effective; however, he cautions that the current process allows him, as Chief of Police, to have more maneuverability to take action to ensure an efficient workplace. Chief Hawkins explained that it is vital that the disciplinary process is focused on correcting behavior. The most impactful way to reform this disciplinary system is to take what is already in use and make adjustments and modifications to make it more impactful and effective, but also allow the supervisors to assess the behavior and make a determination as to whether any actions can correct the behavior. Chief Hawkins reiterated the importance of giving a level of appropriate discretion to the supervisors who work with the officer on a day-to-day basis. Challenges arise when the scope of the discipline is so narrow and strict, considering that there are nuances and different factual situations to every incident. Chief Hawkins is very cautious but also very eager to reform the disciplinary process.

Process of Disciplinary System

(A. Battuello)

Deputy Chief Battuello thanked Chief Hawkins for his remarks and explained that there are several different factors that the department weighs in the current disciplinary system. Some factors include how long the officer has been with the department, their track record, and information in their personnel file. He mentioned that the APD General Orders (GOs) are a good starting point and can be used as a launching pad to integrate into the disciplinary matrix, highlighting GO 2.0 specifically.

Collective Bargaining Agreements and Discipline

(J. Laiacona)

Commander of the Office of Professional Standards Laiacona described the two collective bargaining agreements that the department uses: Albany Police Supervisors Association and Patrol Detectives. Commander Laiacona explained that employees could either use the CBA or Articles 75 and 76 of Civil Service Law. Within the collective bargaining agreements, the department is limited to certain types of discipline. The first step is an oral

reprimand. Next is a formal written reprimand. After those are exhausted, the other disciplinary actions outlined in the CBA include loss of leave credits, suspension without pay, demotion, and discharge. All command disciplinary actions must be progressive; it must start with an oral warning and then a written warning. Whenever going above command discipline, the employee must receive notice of the impending discipline to be imposed. Commander Laiacona was asked why the department cannot suspend someone when there is an accusation. He answered that the department must exhaust the entire appeals process before suspending the employee. The only caveat is that the employee can be suspended if their presence is a danger to people or property or impacts the operations of the department in an extremely negative way. Commander Laiacona repeated that the department is limited by the CBA in how they discipline employees.

Chief Battuello briefly commented that even though they have a progressive disciplinary model, if an incident or accusation is so egregious, the chief of police may move to terminate the employee.

BART's Progressive Disciplinary Model

(R. Bloom)

Russel Bloom is a consultant working with the CPRB and is a Bay Officer Auditor for the Bay Area Rapid Transit District (BART). That district has had public collective oversight for over 10 years. The BART model does not include a disciplinary matrix, but they are a progressive disciplinary district. They allow a level of discretion while making sure to abide by the collective bargaining agreements. BART reviews the officer's history and amount of time on the job, and they also look at the policy itself to see if it is ambiguous or flawed. Bloom explained that they take a totality approach and say it is effective. He shared that it is important for discipline to be consistent and transparent.

Chair Vives agreed with Bloom that the disciplinary matrix must work for Albany. To achieve this goal, the board intends to put together a working group that includes the community stakeholders, Union, consultants, APD, and CPRB members. During this process, Chair Vives pointed out it will be completely transparent and will work with the community at every level so it can be a collaborative and engaging effort.

REPORT FROM THE GOVERNMENT LAW CENTER

(T. Hoey)

Councilmember Hoey sees Albany as a very progressive city and wants to take care of its residents and citizens' concerns. This meeting is a very important step. Council Member Hoey said that due process is crucial in these disciplinary hearings. He reiterated that all officers are innocent until proven guilty, but he also advocated for the ability of departments to be able to react immediately when incidents are so egregious.

Councilmember Hoey believes the only way from stopping negative encounters is to educate the community. He explained that education is the best way to build better trust between the community and APD.

Chair Vives agreed with Councilmember Hoey and said that there will be multiple public hearings and meetings to help educate and collaborate with the community.

Public Questions and Comments

Question 1: How committed is the APD, in conjunction with Local Law J, to cooperate with the CPRB to create the progressive disciplinary matrix?

Answer 1: Chief Hawkins: 100% committed. The voters and the community have the expectation that the CPRB and APD will work together to make a beneficial impact, so they are 100% committed.

Question 2: The President of the Albany Police Officers Supervisors Association is concerned about due process. He said that it does not make sense to start with mandatory minimums and sentencing guidelines. He wants the CPRB to start with the due process aspect.

Answer 2: CPRB members respond by explaining that the board will work with unions and the APD. Groups with any concerns should continue to work with the CPRB to ensure due process is given to anyone who is accused. It is important for stakeholders and members of the police department to continue communicating with the CPRB and work with them throughout the entire process.

Chair Vives stated that the public meetings will most likely take place on a biweekly basis.

The proposed date for the first public meeting is February 22nd, 2023.

ADJOURNMENT

There being no further business, the meeting was adjourned at 7:00 pm.

Respectfully Submitted,

Michele Andre
Program Manager