



80 NEW SCOTLAND AVENUE  
ALBANY, NEW YORK 12208-3494

*Albany Community Police Review Board  
c/o Government Law Center*

## **CPRB STANDING COMMITTEE ON DISCIPLINARY MATRIX MEETING MINUTES**

*July 5, 2023, at 6:15 p.m.  
Albany Law School, Room W212*

---

### **I. CALL TO ORDER AND ROLL CALL**

(V. Harden)

Vice Chair Veneilya Harden called the meeting to order on Wednesday, July 5 at 6:21 p.m.

**COMMITTEE MEMBERS PRESENT:** Vice Chair Veneilya Harden, Antoinette Santos, Victor Person, Paul Collins-Hackett, John Levendosky, Mark Mishler and APD representative Sgt. Stephen Sayre.

**OTHERS PRESENT:** CPRB Program Manager Michele Andre,

### **AGENDA:**

(V. Harden)

Vice Chair Dr. Veneilya Harden called the meeting to order and noted that today's discussion would entail a continuation of the last meeting's discussion of the Discipline Matrix's categories and descriptions regarding the policy violations that were settled on. Vice chair Dr. Harden highlighted that the Board had a chance to review a Google document that was distributed on the proposed categories and encouraged them to continue making additional changes. Vice Chair Dr. Harden mentioned that Board member Antoinette Santos made some updates that would be discussed later in the meeting.

### **Discussion of Materials Provided by CPRB Manager Michele Andre**

CPRB Manager Michele Andre reported that the GLC interns used the original Discipline Matrix template that the Committee agreed on, which was based on the Baltimore model and organized the approved 21 violations into categories levels. In addition to these changes, Ms. Andre noted that some of the police violation/offenses were already present in the Albany Police Department General Orders. The violations are footnoted and

provided at the bottom of each page for each category to show the references for each General order.

Ms. Andre also noted that the GLC interns organized the level of severity of police conduct to highlight, as discussed in the last meeting, on a scale from *minor*, which is the lowest level of violation, to *severe*, which is the highest, which would lead to discharge and termination of the officer. Furthermore, the GLC intern researched the punishment that was initially provided in the second to last attachment of the documents regarding the violations and punishment of certain policies across jurisdictions.

Board member Santos asked APD to clarify the distinction regarding police discipline related to “Oral Reprimands” and whether it is a Written Reprimand placed in the officer’s file or an Oral Reprimand between the supervisor and officer. APD responded that an oral reprimand is written on paper. APD also noted that there is no real difference between an oral reprimand and a written reprimand though they are worded differently and apply to different levels of severity of conduct.

Board member Santos also asked for clarification on the work-day policy suspensions for violations. APD responded officers are usually Suspended without pay for thirty days, but after thirty days, even if they remain suspended, they are entitled to pay.

Mark Mishler noted that in level three (moderate category) the punishment for misconduct states that an officer can remain suspended without pay for sixty days. However, he asked APD to clarify whether that can even exist under current APD rules. APD responded that under the current rules, thirty days without pay would apply, but after the 30 days, they would be suspended but with pay under the current contract but a final disposition that could be considered that would allow an extension of 30 days without pay.

Mark Mishler and other board members, mainly Board member Santos wanted clarification on whether the employer or employee decides what kind of appropriate disciplinary action. APD responded that the employer (Chief of Police) decides this matter.

CPRB Manager Michele noted according to an LA Study on Education-based discipline, an employee had the right to decide. She noted that the committee agreed at a previous meeting they would consider Education-Based Discipline for minor offenses (e.g., level 1 and level 2 offenses).

Mark Mishler listed some additional suggestions for the different levels of conduct. He also stated concerns about the levels being essentially the same, including level 2 minor and level 1 moderate.

CPRB Manager asked if the first level should be a written reprimand to reflect an educational-based discipline. APD concurred it was reasonable, and it was noted.

Board member Santos asked APD if there is currently any educational-based discipline on the infractions listed in level 2. APD responded that there is informal discipline from the first-line supervisor to the employee regarding discipline and training (e.g., Body-cam training).

CPRB Manager Michele Andre asked the board if they wanted to consider education-based discipline for Minor, Moderate, and Major. Board members Santos and Levendosky noted that they did not want that and suggested that the Major category should have greater consequences.

CPRB Manager Michele suggested that training can be provided for allegations regarding Call Handling or Failure to Handle Complaints properly for minor infractions. She noted additional changes regarding the levels of conduct from board members.

Vice Chair Harden asked APD for clarification on what is currently being used to educate officers for training purposes to correct behaviors. APD responded that though training is provided, it is mostly informal, and the current structure does not have a formal based education-based discipline system.

Ms. Andre clarified the difference between Call Handling and Failure to Handling Complaint Properly for the Board.

Board member Santos asked APD whether officers have a choice in deciding which form of discipline they'd like to receive. APD responded that the current system in place does not give them a choice. CPRB Manager Michele Andre clarified that the proposed system of education-based discipline does give officers a choice.

Board member Santos also wanted to know if, under the current policy, disciplinary training is documented. APD responded that it is documented but may be removed from filing after a period.

Mark Mishler asked if all documentation would be available in disciplinary history, especially during pre-trial discovery. Vice Chair also raised the same question, but in context to how the administration tracking behavior is once files are removed after a period. It was noted that all files are still on record.

Mark Mishler noted that on level three, he felt that the first and second violations were identical and did not think that they should be. CPRB Manager Michele Andre noted that for the record. Board member Levendosky, CPRB Manager Michele Andre, and Mark Mishler provided some suggestions for changes for Level Three to mitigate this issue, adding demotion and discharge.

APD highlighted the differences between the Albany System versus the NYC Police Department regarding discipline. Board member Santos asked if demotion or discharge should be removed to level 4. Mark Mishler suggested that 3rd violation for Level three offenses should be eliminated completely. Other changes were noted by CPRB Manager Michele Andre.

CPRB Manager Michele Andre asked APD if they had a general order on Harassment. APD responded that he did not know but referenced the Penal Law. Board member Levendosky clarified that it was important to have a clear definition, so they are not liable for misinterpretation under the Harassment/Civil Rights/Bias category. CPRB Manager Michele Andre mitigated the issue by proposing to use the City Code and/or General Order

definition of Harassment. It still was unclear to the board how to define the term harassment.

Mark Mishler and CPRB Manager Michele Andre further discussed the definition of Harassment. Mark Mishler proposed that the "Use of Racial Slurs" be added as a category. Board member Levendosky agreed and distinguished it from the "Hate Crime" category.

The Board Members, APD and Mark Mishler, discussed the term "Excessive Use of Force" as it relates to whether resulting or not resulting in injury. CPRB Michele Andre also asked for input for the "Failure to Intervene" Category. Board Member Santos Levendosky provided feedback on the matter.

Vice Chair Harden noted today's agenda was completed and that next week's meeting would entail getting community feedback on the disciplinary matrix.

Vice Chair Harden opened up the floor for questions or comments.

CPRB Manager Michele provided updates to the board on survey questions.

#### **ADJOURNMENT**

There being no further business, the meeting was adjourned at 7:35 p.m.

Respectfully Submitted,

Michele Andre  
Program Manager