



80 NEW SCOTLAND AVENUE
ALBANY, NEW YORK 12208-3494

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

2024 2nd Quarter Report

The **Albany Community Police Review Board (CPRB)** is an independent oversight agency that reviews and investigates complaints of alleged misconduct committed by officers of the City of Albany Police Department (APD). The CPRB aims to improve communication between APD and community members and increase police accountability and credibility with the communities that APD serves. The CPRB accomplishes these goals through independent and impartial investigations, policy recommendations, and community outreach. For more information and inquiries, please contact us at the provided phone number or email address, visit www.albanycprb.org, and connect with the office on [Facebook](#).

This report covers the operations of the Community Police Review Board (hereafter “CPRB” or “the Board”) from April 1, 2024, to June 30, 2024.

Administrative Agency Transitions

During the reporting period, the CPRB’s Administrative Agency (the Government Law Center at Albany Law School (GLC)) has started a leadership transition. The Hon. Leslie E. Stein (ret.) retired from her position as GLC Director on June 14, 2024. Deputy Director Patrick A. Woods also informed the Board that he will be stepping down effective July 19, 2024.

The GLC informed the CPRB and Common Council last year that it would not seek to renew the current contract for administrative services and would not bid on a new contract. The current contract is set to expire on December 31, 2024.

Board Membership

The Community Police Review Board is a nine-member body jointly appointed by the Mayor (four members) and the Common Council (five members). The scope of the board members' duties includes, but is not limited to, participating in the review, consideration, and determination of Board actions concerning complaints, reviewing and assessing APD General Orders/policies, procedures, patterns, practices, and training, and presenting recommendations to both the Board and APD for changes. Additionally, board members are responsible for engaging in a wide-ranging program of outreach to all sectors of the city populace, with the objective of informing the diverse communities of Albany regarding the Board's mission, duties, functions, powers, and responsibilities. Board members are compensated with a \$250 monthly stipend.

On May 2, 2024, the term of Mayoral appointee Board Member Kevin Cannizzaro, whose initial term to the CPRB ended on October 26, 2023, was not renewed. He was replaced by Michael G. Gaynor. Mr. Gaynor attended one CPRB Public Monthly Meeting on June 13, 2024, but then resigned from the Board on June 17, 2024. Common Council appointee Board Member Professor Matthew Ingram, whose term was set to end on October 26, 2024, resigned from the Board effective June 1, 2024.

Meanwhile, the term of Mayor appointee Board member Reverend Dr. Collier, which was to end on October 26, 2023, is still ongoing until a successor is appointed. Accordingly, as of the time of this report, there are two outstanding mayoral appointments to the CPRB, including Reverend Dr. Collier’s replacement, and one outstanding the Common Council appointment.

Chief’s Quarterly Report of Disciplinary Investigations and Action

The Albany Police Department recently released its quarterly report on disciplinary actions taken against sworn members from April 1, 2024, to June 30, 2024. The report reveals that no disciplinary actions were taken during this period.

New Complaints and Grievances

The Board received 16 new complaints during the second quarter of 2024.

Of the 16 new complaints received, no complaint was withdrawn.

When the CPRB receives complaints that fall outside of its jurisdiction, the complainant is notified and referred to the governmental entities with the jurisdiction to process the complaint. Of the 16 new complaints, four cases were determined to be outside of the Board’s jurisdiction.

The Board received no grievance form from OPS. Grievances are informal complaints received by OPS from community members who do not want to submit a formal complaint.

Complaint Review Summary

There are 75 active cases. An “active case” is a complaint awaiting review by an Albany Police Department’s Office of Professional Standards (OPS) investigator and a member of the CPRB, except for cases that have been suspended because of pending litigation.

Out of the 75 active complaints assigned to OPS detectives, 73 complaints have taken more than 60 days to investigate. APD General Order 2.4.05 mandates completion within 60 Days of assignment to an OPS detective. 48 out of those 75 active complaints have been pending for more than 365 days, preventing formal discipline for sustained allegations in accordance with the current collective bargaining agreements. OPS completed its investigation into 8 complaints during the second quarter of 2024.

The CPRB reached its findings by carefully analyzing all the evidence available, including video, established facts, statements by involved parties, and reports. Importantly, the CPRB considered the specific language of all applicable policies and laws to reach a reasoned determination. The Board reviewed and made findings on the following **10** complaints in the second quarter of 2024:

OPS Case No. & Case Synopsis	OPS Finding -	CPRB Finding -
	The OPS made the following findings as to the conduct of the officer involved:	For complaints filed prior to the passage of Local Law J, the Board cannot render its finding without the OPS “preliminary” / finding report / case summary.

		<p>The Board made the following findings as to the conduct of the officer involved:</p>
<p>CC2021-012 – V. Harden, J. Levendosky, and A. Santos The complainant alleged an improper use of force on April 22, refusal to share information with a parent about a child’s whereabouts, and failure to properly secure the complainant’s daughter’s property.</p> <p>Allegation(s): Use of Force (1ct), Conduct Standards (2cts), Call Handing (1ct), and Evidence & Property Handing (1ct).</p>	<p>I. With regards to the 1 count of improper Use of Force, the OPS reached a finding of Exonerated – where the acts which provide the basis for the complaint occurred, but the review shows that such acts were proper.</p> <p>II. With regards to the 1 count of improper Conduct Standards, the OPS reached a finding of Sustained – where the review discloses sufficient facts to prove the allegations made in the complaint.</p> <p>III. With regards to the 1 counts of improper Conduct Standards, the OPS reached a finding of Exonerated.</p> <p>IV. With regards to the 1 count of improper Call Handing, the OPS reached a finding of Exonerated.</p> <p>V. With regards to the 1 count of improper Evidence & Property Handling, the OPS reached a finding of Sustained.</p>	<p>I. With regards to the 1 count of improper Use of Force, the CPRB did not reach a finding. Vice Chair and Board Member Veneilya Harden put forth a motion to approve a finding of Sustained. The motion was did not pass. The adoption of any action or motion required an affirmative vote of no fewer than five members, which was not achieved. Therefore, no finding regarding the allegation of Use of Force was made.</p> <p>II. With regards to the 1 count of improper Conduct Standards, the CPRB reached a finding of Sustained.</p> <p>III. With regards to the 1 count of improper Conduct Standards, the CPRB reached a finding of Sustained.</p> <p>IV. With regards to the 1 count of improper Call Handing, the CPRB reached a finding of Sustained.</p> <p>V. With regards to the 1 count of improper Evidence & Property</p>

		Handing, the CPRB reached a finding of Sustained.
<p>CC2021-021 – V. Person The complainant alleged that she made several calls to 911, and was she was told that more pressing issues had come up and officer would get to her when they can. During a third call, she alleged that she was told that they never got her first call. The complainant also complained about the extended response time for call of service.</p> <p>Allegation(s): General Call Handling and Procedure for Dispatch (1ct)</p>	<p>I. With regards to the 1 count of improper General Call Handling and Procedure for Dispatch, OPS reached a finding of 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.</p>	<p>I. With regards to the 1 count of improper General Call Handling and Procedure for Dispatch, the CPRB reached a finding of Ineffective Policy or Training.</p>
<p>CC2023-048 – J. Levendosky The complainant alleged on October 1, 2023 at approximately 12 noon, an officer came to her home and forcefully pushed on her front doors and threatened to arrest her for refusing to speak with him in regard to a matter in which her next door neighbor summoned the police.</p> <p>Allegation(s): Conduct Standards (2cts), and Call Handling (1ct)</p>	<p>I. With regards to the 2 counts of improper Conduct Standards, the OPS reached a finding of Sustained.</p> <p>II. With regards to the 1 count of improper Call Handling, the OPS reached a finding of Sustained.</p>	<p>I. With regards to the 2 counts of improper Conduct Standards, the CPRB reached a finding of Sustained.</p> <p>II. With regards to the 1 count of improper Call Handling, the CPRB reached a finding Sustained.</p>
<p>CC2022-033 –A. Santos The complainant alleges that he was assaulted by the Albany Police Department (APD) during the Latin Festival in Washington Park.</p>	<p>I. With regards to the 1 count of improper Use of Force, the OPS reached a finding of Exonerated.</p> <p>II. With regards to the 1 count of improper</p>	<p>I. With regards to the 1 count of improper Use of Force, the CPRB reached a finding of Exonerated.</p> <p>II. With regards to the 1 count of improper</p>

<p>Allegation(s): Use of Force (1ct) & General Call Handling and Procedure (1ct)</p>	<p>General Call Handling and Procedure, the OPS reached a finding of Sustained.</p>	<p>General Call Handling and Procedure, the CPRB reached a finding of Sustained.</p>
<p>CC2022-053 – J. Levendosky The complainant alleged that his late girlfriend had transferred ownership of her vehicle to him. However, the daughter of the deceased girlfriend, reported the vehicle as stolen. The complainant further alleges that his vehicle was never removed from the stolen vehicle list.</p> <p>Allegation(s): Call Handling (1ct)</p>	<p>I. With regards to the 1 count of improper Call Handling, the OPS reached a finding of Exonerated.</p>	<p>I. With regards to the 1 count of improper Call Handling, the CPRB reached a finding of Exonerated.</p>
<p>CC2020-001 – A. Santos The complainant is unhappy about how an assault call was handled in 2020 regarding her and her two children. The complainant alleged she and her children were followed by a group of 30-45 students who attend a middle school in Albany. The complainant stated both her daughter and son attend the middle school and did not know these students. The complainant states the group wanted to fight her daughter and continuously followed them as they were walking home. The complainant stated she made over (17) phone calls to 911 and had an interaction with officers who failed to assist in resolving the issue. The</p>	<p>I. With regards to the 2 count of improper Call Handling, the OPS reached a finding of Unfounded.</p> <p>II. With regards to 1 count of improper Call Handling, the OPS reached a finding of Exonerated.</p> <p>III. With regards to 1 count of improper Call Handling, the OPS reached a finding of Not Sustained – where the review fails to disclose sufficient facts to prove or disprove the allegation made in the complaint.</p>	<p>I. With regards to the 3 counts of improper Call Handling, the CPRB reached a finding of Sustained.</p> <p>II. With regards to 1 count of improper Call Handling, the CPRB reached a finding of Not Sustained.</p> <p>III. With regards to 1 count of improper Discourteous Conduct, the CPRB reached a finding of Sustained.</p>

<p>complainant also alleged that on the following Monday, officers refused to complete a report to document the incident.</p> <p>Allegation(s): Call Handling (4cts) and Discourteous Conduct (1ct)</p>		
<p>CC2022-045 – A. Santos The complainant alleged an APD Officer had severe “road rage,” almost ran her off the road, and collided with her vehicle as a result.</p> <p>Allegation(s): Conduct Standards (1ct)</p>	<p>I. With regards to the 1 count of improper Conduct Standards, the OPS reached a finding of Exonerated.</p>	<p>I. With regards to the 1 count of improper Conduct Standards, the CPRB reached a finding of Not Sustained.</p>
<p>CC2019-029 – M. Ingram & J. Levendosky The complainant alleged that several members of the Albany Police Department were rude, insensitive, and unsympathetic to the complainant’s sick mother. The complainant also alleged that a family member was left standing outside in her underpants for several hours. The complainant further alleged that she was pushed by Detective Heid and Sgt. Dolan.</p> <p>Allegation(s): Body Worn Cameras, No. General Order 3.2.15 (1ct), Use of Force (2cts) and Conduct Standards (2cts)</p>	<p>I. With regards to the 2 count of improper Use of Force, the OPS reached a finding of Unfounded – where the review shows that the act or acts complained of did not occur or were misconstrued</p> <p>II. With regards to the 2 count of improper Conduct Standards, the OPS reached a finding of Unfounded.</p>	<p>I. With regards to the 2 count of improper Use of Force, the CPRB reached a finding of Unfounded.</p> <p>II. With regards to the 2 count of improper Conduct Standards, the OPS reached a finding of Not Sustained.</p> <p>III. With regards to the 1 count of improper Body Worn Cameras, No. General Order 3.2.15, the CPRB reached a finding of Sustained. The OPS did not make a finding on this count.</p>
<p>CC2020-007 – V. Harden The complainant alleged that officers fired tear gas without warning, fired rubber bullets without warning, and threw tear gas</p>	<p>I. With regards to the 1 count of improper Use of Force, the OPS reached a finding of Not Sustained.</p>	<p>I. With regards to the 1 count of improper Use of Force, the CPRB was unable to reach a finding. Vice Chair and Board Member Vencilaya</p>

<p>down streets that were clear of protestors.</p> <p>Allegation(s): Call Handling (1ct), Use of Force (1ct) and Conduct Standards (1ct)</p>	<p>II. With regards to the 1 count of improper Call Handling, the OPS reached a finding of Exonerated.</p> <p>III. With regards to the 1 count of improper Conduct Standards, the OPS reached a finding of Exonerated.</p>	<p>Harden put forth a motion to approve her finding of Not Sustained regarding but the motion failed to garner enough votes to pass. The adoption of any action or motion required an affirmative vote of no fewer than five members, which was not achieved. Therefore, no finding regarding the allegation of Use of Force was made.</p> <p>II. With regards to the 1 count of improper Call Handling, the CPRB reached a finding of Exonerated.</p> <p>III. With regards to the 1 count of improper Conduct Standards, the CPRB reached a finding of Exonerated.</p>
<p>CC2020-008 – V. Harden</p> <p>The complainant alleged the City and Albany Police Department approved the use of tear gas in residential areas where protests were happening.</p> <p>Allegation(s): Call Handling (1ct), Use of Force (1ct) and Conduct Standards (1ct)</p>	<p>I. With regards to the 1 count of improper Use of Force, the OPS reached a finding of Exonerated.</p> <p>II. With regards to the 1 count of improper Call Handling, the OPS reached a finding of Exonerated.</p> <p>III. With regards to the 1 count of improper Conduct Standards, the OPS reached a finding of Exonerated.</p>	<p>I. With regards to the 1 count of improper Use of Force, the CPRB reached a finding of Exonerated.</p> <p>II. With regards to the 1 count of improper Call Handling, the CPRB reached a finding of Exonerated.</p> <p>III. With regards to the 1 count of improper Conduct Standards, the CPRB reached a finding of Exonerated.</p>

A recording of the proceedings can be viewed on the Board’s website or by clicking: <https://www.albanycprb.org/board-meeting/video-recordings/>.

Policy Recommendations Tracker

In accordance with its charter-mandated responsibilities (see Local Law J of 2020 passed March 1, 2021), the Board unanimously approved several recommended policy amendments to APD’s General Orders and other policy changes in response to concerns identified during case reviews. After voting on the policy changes, the Board requested that the Chief provide a response to the Board’s recommendations within 60 days. Under Albany City Code § 42-343(C), the Chief must provide a detailed listing of which recommendations are and are not being implemented within 60 days. To enhance transparency, CPRB has developed a Policy Recommendation Tracker to monitor our policy recommendations to APD and the Chief’s responses. This tracker has been added to our website. The Chief’s recent response to the recommendations dated March 14th and April 12th can be viewed on the website [here](#).

Independent Investigations

The Board did vote to independently investigate one new case in the second quarter of 2024. At the end of the reporting period, there were five independent CPRB investigations involving use of force, failure to investigate, and officer-involved shootings, as follows:

Complaint/Incident	Description
Incident No. AD2022-002	Officer-involved shooting incident on January 24, 2022.
CPRB Case No. 00000956	Officer-involved shooting incident, June 20, 2022.
Incident No. AD2023-020	Alleged use of force at a public park against a minor on May 31, 2023.
Complaint No. CC2023-013	Alleged failure to investigate allegations of child sex assault and related conduct violations.
Incident No. AD2024-036	Officer-involved shooting incident on April 17, 2024.

Monitors

Section 42-343(B)(1) of the City Code requires the Board to appoint an individual to observe and monitor the investigation by OPS of a complaint “in the event the complaint alleges use of force or a violation of civil rights.” The Board appointed a monitor for two new complaints.

Mediation

Sections 42-346(C) and 32-343(F)(4) of the City Code permits complainants, officers, and the Board to refer a complaint to mediation in place of full CPRB review. The Board forwarded no complaints to mediation this reporting period.

CONCLUSION

The Community Police Review Board continues to make every effort to work collaboratively with the Albany Police Department, the City of Albany, and the communities served by the Board.

Respectfully submitted,

Patrick A. Woods, Deputy Director
Government Law Center of Albany Law School

Nairobi Vives, Chair
Approved by and submitted on behalf of the
Community Police Review Board

Approved by the CPRB: July 11, 2024