



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

*June 13, 2024, at 6:00 p.m.  
Albany Law School, Room W212*

---

**I. CALL TO ORDER AND ROLL CALL (N. Vives)**

CPRB Chair Nairobi Vives called the meeting to order at 6:00 PM.

**BOARD MEMBERS PRESENT:**

CPRB Chair Nairobi Vives, Vice Chair Dr. Veneilya Harden, John Levendosky, Antionette Santos, Michael G. Gaynor, Rev. Dr. Victor L. Collier, and Paul Collins-Hackett.

**OTHERS PRESENT:**

Deputy Director of the Government Law Center Patrick Woods, CPRB Program Manager Michele Andre, Outside Counsel Michael Goldstein and Outside Counsel Mark S. Mishler.

**II. AGENDA APPROVAL (N. Vives)**

Before approval, Chair Vives moved to change the order of items in New Business.

Chair Vives moved to approve the amended meeting agenda. Motion seconded and passed.

**III. NEW BUSINESS**

Chair Vives introduced former board member, Matthew Ingram, granting him the opportunity to speak about his time on the board and say goodbye to his former colleagues.

Former board member, Matthew Ingram, reflected upon his time on the board, thanking the members of the board and the community. He noted that his eight years of service on the board was a great experience and reiterated his support of the board's mission in building trust between law enforcement and the community.

Chair Vives thanked former Board Member Ingram for his service and continued support of the board. Dr. Harden extended her thanks to former Board Member Ingram for his teachings and his continued contributions to the board.

Chair Vives introduced and welcomed new board member Michael G. Gaynor and granted him the opportunity to speak to the board.

Board Member Gaynor noted his commitment to listening and learning in his new role, expressing that as a lifelong resident of the city of Albany he understood the importance of a properly functioning criminal justice system.

Chair Vives announced an upcoming Citizen Police Academy, taking place June 26<sup>th</sup> for board members that had not yet completed the course and new board members.

Sergeant Sayre, the acting Sergeant of the training unit for the police department, reiterated that the start date for the course was June 26<sup>th</sup> and that it would run for 12 weeks, ending on September 18<sup>th</sup>. He noted that the academy would not be in session during the week of July 4<sup>th</sup> due to the holiday. He further noted that the hours of the course would be from 6:00pm to 9:00 pm, held either at the academy building on Washington Ave Extension, or the training center/West Station on Washington Ave Extension.

Chair Vives moved to address Member Romero's update on the CPRB administrative agency transition in Local law D of 2024. Member Romeo was not present, and Chair Vives elected to move on to the remainder of the agenda.

## **PUBLIC COMMENT**

There were no public commenters during this meeting.

## **IV. CONSIDERATION OF SUBPEONA (M. Goldstein & J. Schwartz)**

Investigator Goldstein explained that counsel was seeking approval to move forward with a separate litigation to enforce compliance with a subpoena for documentation concerning a police-involved shooting, taking place on April 17<sup>th</sup>. He explained that hard copies of the documentation had been requested by counsel from OPS, as well as records from the criminal investigation units, and that counsel had been refused the documentation.

Investigator Schwartz reiterated that even after serving the subpoena counsel did not receive access to the documentation they requested. She further noted that they received

a limited response to a letter written by Investigator Goldstein on their behalf but still did not receive the entirety of the documentation they had requested. She restated that counsel was looking to move forward on litigation to enforce the subpoena.

Chair Vives moved to approve a motion to compel for the subpoena served on the independent investigation for the officer involved shooting. Motion seconded and passed. The voting results are as follows: six members (Vives, Harden, Collier, Levendosky, Person and Santos) voted affirmatively, while one members (Gaynor) voted negatively.

## V. CASE UPDATE & REVIEW

**CC2019-029**

**(J. Levendosky)**

Board member Levendosky reported that on April 11<sup>th</sup>, 2024, former board member Matt Ingram added three supplemental issues to the complaint, which included:

- detectives not wearing body-worn cameras;
- officers turning body worn camera microphones off during the incident; and
- one officer wearing a Blue Lives Matter wristband.

On May 8<sup>th</sup>, 2024, the investigator assigned by Detective Johnson, reported that at the time of the incident the officers had not been issued body-worn cameras. He further reported that there was nothing in the policy concerning an officer wearing a wristband of that nature or officers turning off their microphones, except that officers were instructed during training to only mute their microphones when discussing tactics or speaking with a supervisor.

Board member Levendosky reported the findings of the monitor in conjunction with former board member Matt Ingram as follows;

- With regards to the 1 count of allegation of improper Body Worn Cameras, No. General Order 3.2.15, the CPRB reached a finding of **Sustained**.
- With regards to the 2 counts of allegation of improper Use of Force, the CPRB reached a finding of **Not Sustained**.
- With regards to the 2 counts of allegation of improper Use of Force, the OPS reached a finding of **Unfounded**.
- With regards to the 2 counts of allegation of improper Conduct Standards, General Order No. 2.2.00, the OPS and CPRB reached a finding of **Unfounded**.

Board member Levendosky moved to make a motion on those findings as they stood.

Chair Vives asked for a seconding of board member Levendosky's motion. Motion seconded and passed. The voting results are as follows: seven members (Vives, Harden,

Collins-Hackett, Collier, Levendosky, Person and Santos) voted affirmatively, while one members (Gaynor) chose to abstain.

## **VI. NEW BUSINESS**

Chair Vives reintroduced council member Romero, who was present with an update on Local Law D.

Council member Romero began by presenting the most recent version of Local Law D and explained that Local Law D would effectively bring the CPRB into the city as an entity, serving as a codification, or piece of legislation that would make that action official and formalize the legal process through which CPRB would exist under common council.

Council member Romero then granted Kevin Cannizzaro and Michael Goldstein the opportunity to comment on the most recent version of Local Law D. Michael Goldstein did not have any comments. Kevin Cannizzaro commented on council member Romero's contribution and the success of the final product.

Council member Romero explained what the next steps would be in the approval process of the bill, asking for the counsel's submitted support of the bill before the committee meeting where it would be voted on.

Chair Vives reiterated the importance of Local Law D in formalizing the CPRB as an independent entity. She commented on counselor Cannizzaro's contributions, as well as the contributions made by council members Romero, Robinson, and Hoey, and the rest of the common counsel.

Board member Collins-Hackett briefly commented on the contributions of counselor Cannizzaro and council member Romero.

Chair Vives then gave counselor Cannizzaro the opportunity to comment. Counselor Cannizzaro commented on the leadership qualities of the board as well as the contributions made by council member Hoey, Robinson, and the other co-sponsors of Local Law D.

Chair Vives commented on counselor Cannizzaro's departure from the board. Counselor Cannizzaro thanked Chair Vives and concluded.

## **VII. CASE UPDATE & REVIEW**

**CC2020-008**

**(V. Harden)**

The complaint was received in June of 2020, and was filed on May 30<sup>th</sup>, 2020. Dr. Harden reported that the complainant was awoken by a spotlight in her bedroom window and a strong odor, which was later identified as tear gas. She reported that the

complainant suffered from sore eyes and a scratchy throat for around 24 hours after the incident.

Dr. Harden reported that the summary of her review coupled with what she received from OPS, showed that the complaint was reviewed on January 31<sup>st</sup>, 2024, nearly four years after the initial complaint was filed.

Dr. Harden reported that APD policy only allowed officers who had undergone specified training the privilege to deploy chemical agents and that at the time of the incident the use of chemical agents in the city of Albany was not banned. She reviewed GEO number 1.300, which authorized regions discretion to determine the appropriate use of OC spray, including in instances of civil demonstrations in which subjects were passively resistant or in crowded areas with the approval of a supervisor, absent any exigent circumstances. She reported she had also reviewed call tickets relevant to the complaint.

Dr. Harden reported that Sergeant Logan had received a call from the state police that evening to assist with approximately 300 individuals protesting in front of the governor's mansion. She further reported that the incident was one of a multi-agency approach, with members of the Albany Police Department deployed, as well as the Colony Police, the State Police, and fire departments from East Green Bush.

Dr. Harden stated the three allegations outlined in the complaint, including:

- call handling;
- conduct standards; and
- use of force.

Dr. Harden then gave the complainant the opportunity to speak.

The complainant noted that as a resident of Albany she had never experienced such an overreaction. She explained that the governor's mansion was two and a half blocks away from her home and there had been no people or protestors on her street. She noted that tear gas was a known endocrine disruptor and lung and eye irritant, and that she found it was outrageous that the use of chemical agents in residential areas had been approved.

The complainant stated the following questions:

- who was approved to use the chemical agent;
- how had it been approved;
- why was it approved when no civil disobedience was occurring in that area; and
- why weren't residents in those areas warned?

Lieutenant Decker explained that the situation on that evening had evolved to the point where there was a dictated necessity for the use of the chemical agent, and that individuals at the scene had determined it was necessary. The complainant asked Lieutenant Decker to clarify whether the personnel who were present at the time of the

incident were those who were approved for use of the chemical agent. Lieutenant Decker clarified that the approved individuals were the ones who had responded to the incidents going on that night.

The complainant questioned why tear gas had been unleashed nearly two and a half blocks away from where the protests were occurring.

Dr. Harden stated that the records listed Officer Scott Patterson as the officer who gave the order to deploy the chemical agents. Lieutenant Decker answered stating that there was no mention of Officer Patterson in the OPS materials that he had been supplied.

Dr. Harden clarified that because it was a multi-agency response it was unclear who had actually deployed in the area of the complainant's home. She stated that there was no video footage showing what happened in the complainant's neighborhood, and that officers took appropriate action based on APD policy.

Board member Santos asked Lieutenant Decker who the governing body was in a multi-agency response. Lieutenant Decker answered that when the APD calls for mutual aid in circumstances such as the ones present during the specified incident, the agencies themselves are responsible for the actions they take.

Ms. Santos asked if Lieutenant Decker could clarify who had deployed the chemical agents. Lieutenant Decker directed Ms. Santos' question to Detective Johnson. Detective Johnson answered that the Albany County Sheriffs, the New York State Police, and the Colony Police Department were all present on that evening and that he would need to review his materials to determine which agencies had deployed chemical agents.

Board member Collins-Hackett asked for clarification as whether there was an agency providing direction, goals, or directing traffic on the ground. Lieutenant Decker answered that because of the widespread, chaotic nature of the events that night, additional resources were required and there was no available manner in which to organize the rapidly evolving situation.

Board member Collins-Hackett expressed his concern for disorganized deployment of chemical agents by several departments at once. Lieutenant Decker reiterated that because of the rapidly evolving nature of that night, the APD had only been concerned with requesting aid and managing the situation as it evolved. Board member Collins-Hackett reiterated his concern with that approach. Lieutenant Decker responded, noting that a member of the APD is often placed with outside groups to maintain communication, and that there were certainly efforts to organize that night.

Detective Johnson stated that based on his interview with Detective Mulligan and through discussion with members of the emergency services teams, it was clarified that other agencies were deploying chemical agents, but that a member of the APD was

present with those agencies. Board member Collins-Hackett responded, expressing his concern with the policy and the need for civilian safety to be prioritized.

Board member Gaynor asked the complainant whether she or anyone else present in the residence at the time suffered any injuries. The complainant answered that her injuries had been included in the complaint. Board member Gaynor asked whether she had been treated for those injuries. The complainant stated she had not been, but that her daughter had brought all three of her children to the pediatrician as a result of the incident.

Dr. Harden reiterated that there were three allegations contained in the complaint and recommended that all three portions be closed and exonerated as the conduct had been standard under city policy and began the voting process.

Board member Collins-Hackett asked whether there was any limiting language on the use of teargas in certain situations, such as in residential areas. Dr. Harden answered that there was not, only that when feasible, a warning should be given. Board member Collins-Hackett questioned whether the lack of notification had constituted a violation of the call handling or conduct standards. Dr. Harden answered that there had been no violations.

Dr. Harden reported that through reviewing the evidence, there was no visibility of the areas being complained about, and therefore no way to tell whether deployment was effectuated there. She further noted that while OPS and APD did not deny the deployments there was no evidence to confirm otherwise. She concluded, stating that while the complaint was exonerated, it did not justify the policy and that there could have been at the very least a post-debrief meeting from leadership to acknowledge the harm done. After review and deliberation of the investigation of the complaint, the CPRB has made the following findings as to the conduct of the specific officer involved:

- With regards to the 1 count of allegation of improper Call Handing, the CPRB reached a finding of **Exonerated**.
- With regards to the 1 count of allegation of improper Use of Force, the CPRB reached a finding of **Exonerated**.
- With regards to the 1 count of allegation of improper Conduct Standards, General Order No. 2.2.00, the CPRB reached a finding of **Exonerated**.

Chair Vives confirmed Dr. Harden's motion. Motion seconded and passed. The voting results are as follows: seven members (Vives, Harden, Collins-Hackett, Collier, Levendosky, Person and Santos) voted affirmatively, while one members (Gaynor) chose to abstain.

**CC2020-007**

**(D. Harden)**

The complaint was received December 19<sup>th</sup>, 2023, concerning an incident that took place on May 30<sup>th</sup>, 2020, in the area of South Station, Westerlo, and Trinity Avenue in downtown Albany, between the times of 11:30pm to 1:00am. Three allegations contained in the complaint, including:

- call handling;
- conduct standards; and
- use of force.

The complaint alleged that on May 30<sup>th</sup>, 2020, police began firing tear gas with no warning, and that while some measure of crowd control and aggressive clearance were needed due to the nature of the event, even after the streets had been cleared of protestors the police continued to throw tear gas cannisters into residential streets. The complainant had requested information about the policy in the city of Albany for the use of tear gas, and an answer as to whether it was a banned weapon. The complainant further requested information as to why city residents were not alerted that APD was shooting tear gas throughout the residential area.

Dr. Harden reported that the complaint was received four years previously. She stated that the complainant had been interviewed but that no other witnesses were listed to be contacted. She further reported that the complainant stated in his interview that many community members had complained about the incident but had been fearful of filing an actual complaint.

She noted that the policies in place for the use and deployment of those agents were all provided along with the vote from common council to veto the ban on the use of those chemical agents.

Dr. Harden reported the inclusion of more than 100 call tickets, as well as online public videos which did not capture footage of the above-mentioned streets, covering activity on neighboring and surrounding streets.

Dr. Harden then gave the complainant the opportunity to speak.

The complainant addressed the lack of accountability and transparency concerning APD behavior. He voiced contention with how long he had waited to appear before the board and with APD officers present via Zoom, who had failed to ensure their cameras were working. He stated that he felt there was a lack of seriousness on behalf of the APD, specifically when it came to taking accountability for egregious behavior or misconduct taking place in the city.

He continued, noting that he was present on May 30<sup>th</sup>, 2020, and was part of the protest. He explained he had not wanted to participate in any of the protests, but he felt as though it was his obligation as a responsible member of the community who mentored a lot of young individuals, including many teenagers who were present on the streets that afternoon and had made their way to South Station. He reported that alongside



other mentors and leaders in the community, he had done his best to dissuade or avoid any physical, violent confrontations with the police.

He emphasized that the reason he had filed his complaint was in response to the amount of tear gas that had been deployed. He explained that it was the beginning of the summer season, it had been hot, and that there had been a great deal of individuals with their windows open or running air conditioning units, essentially pulling the tear gas into their homes. He noted that there did not appear to be any regard by the APD or other jurisdictions for the residents in the area not involved in the protests.

The complainant asked several questions, including:

- whether anyone had taken accountability on behalf of the police department for actions taken during the incident;
- who other jurisdictions had been taking orders from;
- whether the APD have any knowledge concerning action taken by assisting officers;
- what EMS response typically looked like in a situation such as the one that evening;
- whether there was any recourse for community members to gain answers; and
- why had it taken four years to appear before the board?

He also questioned whether there was documentation governing the deployment of tear gas, whether deployment was recorded and whether the officer who approved deployment was required to go on record as well.

Dr. Harden asked if Lieutenant Decker could provide clarification concerning the tear gas deployment policy and its record. Specifically, who gives the order and whether there is record of it? Lieutenant Decker responded, clarifying that there are only certain personnel in the APD who are privileged to deploy chemical agents. He noted that those individuals require extensive schooling and are exposed to the agents themselves. He went on explaining that the use of chemical agents is governed by Article 35 of the New York State Penal Law, which requires that chemical agents only be deployed when necessitated.

He then provided answers to the complainant's questions about EMS protocol and debriefing policy, explaining that oftentimes EMS will stage nearby during large-scale events such as the one referenced in the complaint, but that ultimately, they are not allowed to move on-scene until it has been made safe to do so, and that he was under the impression that there was no specific policy governing debriefs.

Chair Vives then asked whether there was anything in the policy or penal code that spoke about a confining radius and questioning the need for deployment of chemical agents on empty streets. Lieutenant Decker answered that he did not believe there was any type of policy regarding canisters being deployed in what appear to be unoccupied areas. He reiterated that the individuals with permission to deploy those agents are highly trained and that the goal of the APD in an incident such as the one referenced in the complaint is to mitigate the situation, and to protect life and property. He

emphasized that the goal of the use of those agents is to stop violence, and that under the guiding principles of Article 35 of the New York State Penal Code, officers would only deploy those agents in an effort to stop property destruction and violence of that nature when totally necessary.

The complainant responded, clarifying that he understood what the policy was, but reiterating that what he observed was tear gas cannisters being deployed in areas where there were no people, in streets that had been cleared. The complainant reiterated that his contention was not with the deployment of tear gas in areas where crowd disbursement was undoubtedly necessary, but instead was with the deployment of chemical agents in residential communities where no protesters were present.

Lieutenant Decker responded stating that he would bring those suggestions and concerns back to the command staff and the board administration to discuss.

Board member Collins-Hackett asked whether the APD was able to identify the individuals who had deployed chemical agents that evening, and who had given the authorization to do so. Lieutenant Decker answered that he could only speak on behalf of the APD, reporting that Officer Godman, who was an EST on the APD SWAT team, was the member present that evening who was trained in the deployment of chemical agents, and was the individual who would authorize the deployment of chemical agents for the approved APD members. He stated that he did not have an answer as to the exact quantities dispersed on that evening.

Board member Collins-Hackett asked whether Lieutenant Decker knew if any of the other outside agencies present that night had dispersed tear gas. Lieutenant Decker stated that Detective Johnson would need to answer that question.

Board member Collins-Hackett responded, questioning why the process had taken four years to come to fruition. More specifically, if there was any information on why it had taken so long for the complaint to come before the board. Lieutenant Decker answered that he was aware the board had contacted the APD to conduct mediation, to which the department immediately agreed. He noted that at that point they were waiting to get facilitated and had asked for several updates. He further noted that they were then asked to investigate the complaints and that there had been some lag due to the turnover and detectives in the office.

Board member Collins-Hackett asked two follow-up questions: (1) whether outside agencies deployed tear gas near residential neighborhoods in Albany when they came in; and (2) whether there was any information as to how much tear gas was distributed that evening. Lieutenant Decker answered that they had confirmation that other agencies had utilized CS gas, but that he did not have an exact number as to the quantity of cannisters deployed that night.

Chair Vives granted the remaining members of the community who were present the opportunity to comment.

The first resident noted his presence on the evening of the above-mentioned incident, stating that he had been observing what was going on and working to encourage individuals not to engage in destructive behavior. He reported that he followed the crowd as it moved toward South Station and down Pearl Street, and that he witnessed the police chasing individuals into the residential neighborhoods in and around that area. He reported that when he moved back towards Madison and Phillip, he did not observe anyone in the area except for a few individuals in the middle of the road creating a barricade. He noted that aside from that there was no other risk present at that time. He further reported that the barricade was in the widest part of Madison Avenue and the police had left the individuals there for nearly two hours before officers began to launch tear gas cannisters.

The resident emphasized that there were several children in that area who were susceptible to different respiratory illnesses, including asthma and bronchitis, and that officers were deploying upwards of five to ten cannisters at a time. He reported that at one point in time, it was so foggy on the street that it was not possible to see one's hand in front of their own face. He explained that at that point, the streets were clear and everyone present had sought refuge inside residences, but that even then officers had continued to deploy cannisters.

A second commentor began, reporting that she had also been there that night, present for hours on the corner of Madison Avenue and Phillip Street. She explained that it was mostly neighbors present apart from a few other individuals, and that around 1 o'clock in the morning, when the area was almost entirely taken up by residents, was when officers began deploying cannisters, driving people into the surrounding neighborhoods.

Chair Vives then turned communications back over to Dr. Harden.

Dr. Harden began the voting process on the three findings contained in the complaint. As to call handling, she stated that the use of those agents was approved by APD policy and that it was her recommendation that that portion of the complaint be closed and exonerated. As to conduct standards, she recommended that that portion of the complaint also be closed and exonerated, and to the use of force, she recommended that that portion of the complaint be closed and not sustained, noting that the review failed to disclose sufficient facts to either prove or disprove the allegation.

The complainant asked for clarification as to the last portion of the motion, questioning why the complaint was not sustained. Dr. Harden answered that her reasoning behind voting in accordance with OPS was that upon review, there was no proof, based upon the facts, that any of the actions complained about in the complaint did or did not occur.

The complainant questioned what review took place, emphasizing that he was never called or contacted concerning the investigation. Chair Vives clarified that Dr. Harden

was making a personal determination as to whether there was a violation of policy based on her independent review of the evidence.

Dr. Harden clarified that she and OPS were not denying the events alleged in the complaint, but rather they are saying there is not enough evidence to definitively show the allegations were true. The complainant questioned how the CPRB could conduct a factual review with only a fraction of the evidence available.

Dr. Harden explained that because of how they had previously conducted investigations and in an effort to change the process of how the investigations were being conducted, the board was forced to work backwards once Local Law J had been passed. She further explained that any opportunity for mediation that could have happened in real time or to make requests that could have been made for video footage after the incident had since expired.

Chair Vives then asked for a second for Dr. Harden's motion.

Rev. Collier briefly commented that the process the complainant had undergone to access the board and be heard before its members was one that was still evolving, that the community and the CPRB were still engaged in a learning process, and that ultimately their goal was to address crime, but that the board and the community needed to extend mutual understanding and patience.

Board member Collins-Hackett noted that everyone present wanted what was best for the community and the safety of its residents. He stated that he was intrigued to see how the APD planned to address the deployment of tear gas moving forward, as well as, its distribution in residential areas, the quantity, the tracking body cam measures, and the oversight of those actions, stating that it would be key for the board to gain a better understanding of the process, so as to shape it more effectively to serve the community and its residents.

After review and deliberation of the investigation of the complaint, the CPRB has made the following findings as to the conduct of the specific officer involved:

- With regards to the 1 count of allegation of improper Call Handing, the CPRB reached a finding of **Exonerated**.
- With regards to the 1 count of allegation of improper Conduct Standards, General Order No. 2.2.00, the OPS and CPRB reached a finding of **Exonerated**.

Vice Chair and Board Member Veneilya Harden put forth a motion to approve her finding of **Exonerated** regarding one count of alleged improper Use of Force in case no. CC2020-007. The motion was seconded. Regrettably, the motion failed to garner a 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. The voting results are as follows: three members (Rev. Collier, Harden, Levendosky) voted affirmatively, while four members (Vives,

Collins-Hackett, Santos and Person) voted negatively, and one member (Gaynor) chose to abstain.

Board Member Harden motioned to approve the remainder of her findings into Complaint no. CC2020-007. The motion was seconded and passed. The voting results are as follows: seven members (Vives, Harden, Collins-Hackett, Collier, Levendosky, Person and Santos) voted affirmatively, and one members (Gaynor) chose to abstain.

### **CC2020-001**

**(A. Santos & J. Schwartz)**

The complaint was reported to OPS on January 22<sup>nd</sup>, 2020, and was assigned to Detective Pierce. Investigator Schwartz reported that Detective Pierce finished the case on August 25<sup>th</sup>, 2020, but that it was not sent to the board until 2023 and that she and board member Santos were not officially assigned the case until January of 2024.

Investigator Schwartz reported that on January 8<sup>th</sup>, 2020, a young male was attacked by a group of children and that two days later, when the mother of the boy who was attacked was picking him up, another group of children attempted to attack her daughter. The mother called 911, first observing Officer Styles who was in an R&P. Investigator Schwartz reported that the mother attempted to talk to him about the situation and to ensure they could get home safely but that she was told by the officer to move it along. She reported that he was aware of other incidents going on in the area through a prior conversation with another officer but chose not to inquire further.

On their walk home, the daughter was jumped. Investigator Schwartz reported that the mother was able to get her daughter away, but upon arriving home the mother and daughter were both subsequently assaulted. She reported that two officers responded, as well as an unidentified state trooper, and that despite the woman's obvious distress, Detective Johnson was rude and talked down to her throughout their interaction. He stated that there was nothing he could do because the assaulters were juveniles. Investigator Schwartz reported that he did not ask for information, nor did he do anything required to file a report or aid the victims.

The following Monday, the individuals who had assaulted the victims returned and two different officers responded to the 911 call. Investigator Schwartz reported that the officers were politer and more professional, but also failed to take a report on the grounds that they had not observed anything. She stated that it was clear both sets of officers were not properly trained in how to deal with juvenile offenders and that the response by the officers had been unacceptable.

OPS reviewed four counts of call handling, the counts and findings were as follows;

- Inadequate response time, **unfounded**.
- Failure of the APD to effectively do their job to prevent the resulting assault and file a report, **exonerated** on the grounds that the complainant was uncooperative.

- Failure to effectively take a report, **not sustained** on the grounds that the officers had not witnessed the incident that had occurred the day before and believed they were responding to an assault in progress.
- Failure to effectively take a report, **unfounded** upon review of the officer's body worn camera footage which confirmed that the complainant had already filed a report, and because the perpetrators had been juveniles.

Investigator Schwartz reported that the grounds upon which the findings were concluded were unfounded and that the incidents had not been properly investigated.

Investigator Schwartz and board member Santos' findings as to the call handling counts were as follows;

- Inadequate response time, **not sustained**.
- Allegation against Officer Styles, **not sustained**, recommendation for an allegation and finding of discourtesy based on the way the officer spoke to the complainant.
- Failure of Officer Togias to effectively take a report, **sustained**.
- Failure of Officer Ryan Johnson to effectively take a report, **sustained**, recommendation for an allegation and finding of discourtesy based on the way the officer spoke to the complainant.
- Failure of Officer Balarin to effectively take a report, **sustained**.
- Failure of Officer Cory Johnson to effectively take a report, **sustained**.

Further recommendations made by Investigator Schwartz;

- IDCs not to be used in complicated cases, and if necessary, to be cross-referenced with body-worn camera footage and other statements.
- New statements to be taken if conflicting accounts arise.
- Officers Togias, Ryan Johnson, Cory Johnson, and Ballarin to be retrained in general order 3.805, Juvenile Operations.
- Officer Styles and Ryan Johnson to be retrained in general order Rules of Conduct 2.200, Discourtesy 24 A-C.
- Officer Styles and Ryan Johnson to be required to review their body-worn camera footage in the presence of their supervisor.

Board member Santos stated the findings for motion;

- With regards to the 1 count of allegation of improper Call Handing, the CPRB reached a finding of **Not Sustained**.
- With regards to the 1 count of allegation of improper Call Handing, the CPRB reached a finding of **Sustained**.
- With regards to the 1 count of allegation of improper Call Handing, the CPRB reached a finding of **Sustained**.
- With regards to the 1 count of allegation of improper Call Handing, the CPRB reached a finding of **Sustained**.
- With regards to the 1 count of allegation of improper Discourteous Conduct, the CPRB reached a finding of **Sustained**.

Chair Vives asked for a second for board member Santos' motion. Motion seconded and passed. The voting results are as follows: seven members (Vives, Harden, Collins-Hackett, Collier, Levendosky, Person and Santos) voted affirmatively, and one members (Gaynor) chose to abstain.

**CC2022-008**

**(A. Santos & A. Lawrence)**

An officer received an alert of a suspicious person writing on the car windows around City Hall, and later observed the complainant engaged in the same activity on the windows of the Department of Environmental Conservation on Broadway. The officer stopped the complainant and asked him to provide identification, to which he gave various versions of his name. The complainant questioned why his ID was needed, to which the officer reasoned that he had been touching the buildings.

Two other APD officers and a state trooper arrived for back-up, at which point the complainant became aggravated. He was told by an officer he was not free to go and asked to remove his hands from his pockets. When he did not respond, he was detained. A knife was found in his pocket, however after finding no outstanding warrants, the knife was returned to him, and he was told he was free to go.

The complaint alleged an unconstitutional stop and seizure and use of excessive force. The conduct of the officers had to be reviewed in pieces to apply the standards appropriate for addressing the constitutionality of a search and seizure, starting with an articulable suspicion that a crime had been committed.

Detective Johnson concluded that following;

- As to the allegation that the complainant had been improperly stopped, **exonerated** on the grounds that the stop was proper because the complainant had been writing on the building windows and matched the description of the individual who had been seen writing on the car windows near City Hall.
- As to the allegation of excessive use of force, **unfounded** on the grounds that the only force used was to place the complainant in handcuffs when he refused to comply.

Board member Santos motions on the findings were as follows;

- With regards to the 1 count of allegation of improper Call Handing, the CPRB reached a finding of **Exonerated**.
- With regards to the 1 count of allegation of improper Use of Force, the CPRB reached a finding of **Sustained**.
- With regards to the 1 count of allegation of improper Police Detention, the CPRB reached a finding of **Sustained**.
- With regards to the 1 count of allegation of improper Searches, the CPRB reached a finding of **Sustained**.

Board member Santos made a motion which was seconded by Harden and passed. The voting results are as follows: seven members (Vives, Harden, Collins-Hackett, Collier, Levendosky, Person and Santos) voted affirmatively, and one members (Gaynor) chose to abstain.

**CC2022-027 & CC2022-034**

**(P. Collins-Hackett & A. Lawrence)**

Chair Vives made a motion to table CC2022-027 and CC2022-034. Motion seconded and passed.

**CC2022-045**

**(A. Santos)**

The complaint was received on December 6<sup>th</sup>, 2022, and reported to the CPRB on February 26<sup>th</sup>, 2024, assigned to Raven Dixon. The incident took place from 10:55am to 11:55am on I-787, Madison Avenue and South Pearl Street. The allegation contained in the complaint was on relating to conduct standards.

The complainant alleged that an APD officer had attempted to run her off the road, almost colliding with a vehicle as a result of the officer's road rage. Board member Santos reported that the officer admitted through a subsequent interview that he was on route to an overtime duty at Albany South Station on the date and time of the alleged misconduct. She further reported that through CCTV video footage that she had reviewed, the complainant could be seen following the officer westbound on Madison Avenue. As the officer approached the intersection of Madison Avenue and South Pearl Street, he made a last-minute decision to enter the turning lane without properly signaling. Simultaneously the complainant was seen entering the turning lane and as a result of the officers' failure to signal, she was forced to widen her turn over the double yellow line.

Board member Santos reported that she reviewed the officer's incident file and that there was nothing in the file like the event alleged in the complaint. She reported that Raven Dixon had attempted to contact the complainant several times for an interview, but that she was uncooperative.

The target officer was interviewed by the investigative Sergeant, during which he admitted he first saw the complainant on S. Pearl and Madison Avenue and that when turning onto S. Pearl he observed the complainant pass him. Board member Santos reported that the target officer was interviewed by OPS on January 30<sup>th</sup>, 2024, 420 days after the incident initially took place.

The OPS findings were as follows;

- With respect to the allegation of conduct standards, **exonerated**.
- With respect to the acts which provided for the complaint, the review showed they were private.
- With respect to the incident, the complainant had failed to maintain a safe sufficient distance between her own vehicle and the officers' and was following



too closely. The officer attempted to move into the turning lane on S. Pearl, the complainant did so also in an effort to overtake the officer's spot, resulting in her having to brake to allow the officer to merge first.

- Based on CCTV, and NYS Traffic Laws the officer had the right of way, putting the complainant at fault to maintain a safe distance.

After review of CCTV footage and statements made by the target interview, the findings were as follows;

- With respect to the allegation of conduct standards, **not sustained** on the grounds that the review did not produce sufficient evidence to prove or disprove the allegation.

Requesting information as to what time and date the target officer was interviewed by the investigative Sergeant.

Board member Santos' made a motion which motion seconded by Dr. Harden and passed. The voting results are as follows: seven members (Vives, Harden, Collins-Hackett, Collier, Levendosky, Person and Santos) voted affirmatively, and one members (Gaynor) chose to abstain.

## **VIII. COMPLAINTS AND CONSIDERATION OF CLOSURE (N. Vives)**

Complaints out of jurisdiction;

- (1) Received May 14<sup>th</sup>, 2024.
- (2) Received May 6th, 2024.
- (3) Received May 6th, 2024.
- (4) Received April 18<sup>th</sup>, 2024.
- (5) February 7th, 2024.
- (6) February 14th, 2024.

Chair Vives made a motion to close the aforementioned cases because they are outside CPRB jurisdiction. She asked for a seconding of the motion. Seconded by board member Levendosky. Several in favor, no opposed, one abstention. So moved.

Withdrawn complaints;

- CC2024-012
- CC2023-009

Chair Vives made a motion to close the aforementioned cases because they had been withdrawn or out of jurisdiction. She asked for a seconding of the motion. Seconded by Vice Chair Dr. Harden. The voting results are as follows: seven members (Vives, Harden, Collins-Hackett, Collier, Levendosky, Person and Santos) voted affirmatively, and one members (Gaynor) chose to abstain.

## **IX. COMMITTEE REPORTS**

## **GOVERNMENT LAW CENTER**

**(M. Andre)**

Program Manager Andre speaking on behalf of GLC, stated that she had requested necessary information regarding the 2025 budget, including deadlines and template requirements. She reported that on June 6<sup>th</sup>, 2024, she received a response from the budget director providing a memo for the budget requests and a template to assist budget submission. The budget director noted that with respect to the requests made for 2025, that it ensured the residents with the service they expect and deserve at the lowest possible cost.

She reported that CCRB budget was unique for the upcoming year and would need to cover additional costs for full-time staff benefits, the transition of the administrative agency, as well as office space lease if not provided by the city

Outreach reports;

- Worked with the communication office to develop a policy recommendation tracker modeled after Rochester PBA.
- Reminder that NACO would be celebrating its 30<sup>th</sup> year, holding an annual conference on October 14<sup>th</sup>-17<sup>th</sup> in Tucson, Arizona. The board in conjunction with Rochester and New York City CCRB was scheduled to present at the conference on Overcoming Obstacle Strategies for Effective Civilian Oversight Law Enforcement.
- Developed a document highlighting the scheduled events of the year for community outreach.
- Developed a new FAQs document.
- Updated community resource guide to include crisis support context in the community.
- Reminder that consultants would be coming down on July 27<sup>th</sup>, 2024, to direct a training retreat.
- Reached out to the council president and city clerk in regard to former board member Ingram's resignation, and requested consideration for replacement, to which the common council issued a call for application to fill the opening.

Professor Woods spoke briefly about his resignation from the GLC and thanked the board for the opportunity to support them in the work they conducted. Board member Levendosky extended his thanks, along with board member Collins-Hackett, Dr. Harden, board member Santos, Rev. Collier, and Chair Vives.

## **BYLAWS AND RULES**

**(A. Santos)**

Board member Santos reported that the most recent Bylaws Committee meeting was held on May 7<sup>th</sup>, 2024, during which there was discussion in regard to including a conflict-of-interest policy into the board's bylaws and rules. The purpose was for board members to refuse themselves based on involvement in cases brought before CPI, to ensure impartiality, objectivity, fairness, and equitable treatment. The proposed complaint model, had been sent to outside counsel for legal opinion, with plans to

propose and accept a recommendation to codify the proposed language at the next board meeting.

## **COMMUNITY OUTREACH**

**(P. Collins-Hackett)**

Board member Collins-Hackett referenced several community outreach events, including an upcoming Juneteeth march and the Allstar Challenge on June 29<sup>th</sup>, at the MVP Arena. He reported that the committee had just had a meeting with the Grand Street Community Arts Radio station to conduct recruitment for open positions on the common council. He noted that Program Manager Andre had developed a spreadsheet with the dates of upcoming events.

## **INVESTIGATION**

**(J. Levendosky)**

Board member Levendosky reported that the Investigation Committee had been working with the Public Office Liaison Committee to help plan and establish the integration of the CPRB administrative agency into the city structure. He reported that they had been working with other board leaders and the common council members, specifically the public safety commissioner, Councilman Hoey, and legislative staff to develop a practical framework to make the administrative agency more sustainable.

He reported that they had also been working with consultants on drafting job descriptions for in-house investigations and investigative protocol, and training needs for full-time staff to aid integration into the city. The committee also worked with OPS Commander Maury to arrange for an APD representative to attend RRB meetings, who spoke briefly about the Civilian Police academy program.

APD responded to policy recommendations made on March 12<sup>th</sup> and April 12<sup>th</sup> and were shared with Program Manager Andre, who developed a new policy tracker. Board member Levendosky also spoke briefly about contentions between the CPRB and APD regarding unfettered access to case materials and department records.

He reported that the committee was investigating four incidents and one complaint, with 74 active complaints as of June 13<sup>th</sup>, 2024, awaiting resolution by APD, including;

- Active under OPS supervision, **11 complaints.**
- Active under OPS investigation, **63 complaints.**
- Active awaiting detectives and OPS case numbers, **1 complaint.**

He reported that the CPRB had reviewed 17 OPS cases so far in 2024, and that the board had reviewed findings on 12 complaints, and the APD had completed 26 investigations of active complaints.

## **POLICE LIASON AND MEDIATION**

**(D. Hardin & V. Collier)**

Dr. Harden reported that through aid from Program Manager Andre, the Mediation Committee's complaint policy had been updated to model the policy and program goals

of the one utilized in Philadelphia. In collaboration with APD and outreach events, the committee had been working to educate the public on the mediation policy and its use.

Dr. Harden reported that the Police Liaison Committee had met with OPS the previous week and had also presented the new recruit's class. She also reported that the committee was waiting on feedback from the chief concerning a recommendation for a focus group rather than a survey, to gain officer feedback on the use of mediation to more effectively bridge the gap between police and community communication.

## **PUBLIC OFFICIAL LIAISON**

**(N. Vives)**

Chair Vives reported that the committee met on May 28<sup>th</sup> and heard from council member Romero on Local Law D, and that was the most important project the committee had been actively working on.

## **XI. APPROVAL OF MEETING MINUTES**

Chair Vives moved to approve the meeting minutes from the regular meeting on April 11th, 2024. Motion seconded and passed.

Chair Vives moved to approve the meeting minutes from the special meeting on April 26th, 2024. Motion seconded and passed.

## **XII. NEW BUSINESS**

Chair Vives noted the requirement for approval of the minor amendments to the mediation process to enhance the program and ensure officer participation.

Dr. Harden made a motion to amend the policy and include the new updates, including minor participation so long as a legal guardian was present. Motion seconded and passed.

There was a brief discussion and clarification as to board member Gaynor's vote on the consideration of subpoena, and his abstention from the remaining cases.

Chair Vives reported on the updated community resource guide document, the new CPRB FAQs document, and the 2024-2025 upcoming events document.

The updates on status board requests were as follows;

- CPRB letter sent to Mayor Sheen regarding recent developments, board membership, and appointment procedures.
- CPRB letter to common council regarding recent resignation and request for consideration of replacement.
- CPRB letter to OPS Commander Maury for APD representatives at the CPRB public monthly meeting.

- CPRB letter to the budget director regarding a request for guidance on CPRB budget submission for fiscal year 2025, for budget timeline guidance and template.
- Response from APD on March 15<sup>th</sup> policy and practice recommendations related to the South Station Arch Street protest.
- Response from APD on June 11<sup>th</sup> to the April 12<sup>th</sup> policy and practice recommendations, relating to general order 2.4.05 office of professional standards complaint procedures and general order 3.2.15 body-worn cameras and enhancing the clarity of APD withdrawal form.

### **XIII. ADJOURNMENT**

There being so further business, the meeting was adjourned at 9:43 pm.