



80 NEW SCOTLAND AVENUE
ALBANY, NEW YORK 12208-3494
*Albany Community Police Review Board
c/o Government Law Center*

NOTICE OF CPRB PUBLIC MONTHLY MEETING AGENDA

Thursday, September 12, 2024 - 6:00 PM

THERE ARE THREE WAYS TO ATTEND AND PARTICIPATE:

1. **In Person:** West Wing Classroom (W212) of Albany Law School's 1928 Building, 80 New Scotland Avenue, Albany, NY 12208 ([Parking Lot Entrance on Holland Ave.](#))
2. **Online:** Participate via [Online Zoom](#) enter code: 812 8068 0884 and numeric meeting password: 880330
3. **Listen:** 1 646 931 3860 US and enter code: 812 8068 0884 and numeric meeting password: 880330

SUBMIT WRITTEN PUBLIC COMMENT: If you would like to submit written comment on an upcoming agenda item, please fill out the public comment form [here](#) on website at or email cprb@albanylaw.edu.

BOARD MEMBERS: Chair Nairobi Vives, Vice Chair Veneilya Harden, Secretary Paul Collins-Hackett, Reverend Dr. Victor L. Collier, Antoinette Santos, John Levendosky, and Victor Person.

STAFF: Outside Counsel Michael Goldstein, and Outside Counsel Mark Mishler

The Albany Community Police Review Board (CPRB) independently reviews and investigates complaints of alleged misconduct committed by officers of the City of Albany Police Department (APD). The CPRB is staffed by civilians, and it is not part of the APD.

The CPRB holds a working meeting open to the public on the **second Thursday of every month**. CPRB's monthly meetings provide a platform for community members to learn more about the Board's scope and priorities. Board members also use the meetings to review complaints, ask questions, and share concerns about police-community relations in Albany neighborhoods. Speaking at Board Meetings is open to all. **Please be advised that according to Albany Law School, the possession of firearms or weapons is prohibited on any property owned or occupied by the school.**

Albany Community Police Review Board Agenda

Thursday, September 12, 2024

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| I. CALL TO ORDER & ROLL CALL | (N. Vives) |
| II. APPROVAL OF SEPTEMBER 12, 2024 AGENDA | (N. Vives) |
| III. REPORT FROM THE OFFICE OF PROFESSIONAL STANDARDS | |
| IV. PUBLIC COMMENT (Three (3) minutes Per Person) | (N. Vives) |

V. CASE REVIEW

A. CC2023-028

V. Person & Monitor Al Lawrence

The complainant alleges that Officer Silver stepped towards him aggressively, put his chest on the complainant's shoulder, and told him to leave the area. The complainant also alleges that Officer Silver followed him and tried to pick a fight with him.

Allegation(s): Conduct Standards (1ct)

1. Discussion
2. Complainant Related Public Comment
3. Action – Vote to approve each finding

B. CC2023-029

V. Person & Monitor Al Lawrence

The complainant alleges that he was unlawfully arrested, taken against his will, and tased by the officers who responded to his apartment.

Allegation(s): Call Handling (1ct) and Arrest Authority & Procedures (1ct)

1. Discussion
2. Complainant Related Public Comment
3. Action – Vote to approve each finding

C. CC2022-022

J. Levendosky, A. Santos & Monitor Al Lawrence

The complainant alleges that on July 25, 2022, her son was home alone and was woken by a loud banging on the front door of their residence. She stated that when he went to answer the door, he saw Officer Bink and Officer Bryan standing inside the house. She mentioned that her son told the officers several times to leave, as they could not come into their house without a warrant, but they did not leave when asked.

Allegation(s): Call Handling (1ct)

1. Discussion
2. Complainant Related Public Comment
3. Action – Vote to approve each finding

D. CC2022-020

J. Levendosky, A. Santos & Monitor Al Lawrence

The complainant alleges that the Albany Police Department responded to his residence, and after he reported that his neighbor "attacked" him, no report was filed. The undersigned Detective was unable to make contact with the complainant at the phone number provided or his residence to obtain an exact date and time of the said incident, however after a search of the Albany Police Department's Records Management System (RMS) two calls for service was located on June 1, 2022 at approximately 1014 hours and 1021 hours. The first call ticket indicated that the complainant's neighbor struck him, and the second call ticket indicated that the same person was harassing the complainant. The undersigned Detective also located two separate incident reports that were completed by two different officers for the incident, indicating that the complainant was struck by his neighbor. It should also be noted that in the complaint, under the section where it asks for the identification of the police department employee, the complainant typed, "unknown ... I would have to find my paperwork." The complainant would not receive paperwork unless a report was going to be completed by an officer.

Allegation(s): Call Handling (1ct)

1. Discussion
2. Complainant Related Public Comment
3. Action – Vote to approve each finding

E. CC2022-036

J. Levendosky & Monitor Al Lawrence

The complainant alleges that the officer racially profiled him for publicly possessing/consuming an open alcoholic beverage, while not taking similar action against his Caucasian counterpart. The officer also issued a ticket with a return date when the complainant wouldn't be in Albany to attend. Furthermore, the complainant claims that the officer was sarcastic, condescending, and rude during the encounter before dismissing him.

Allegation(s): Call Handling (1ct) & Conduct Standards (1ct)

1. Discussion
2. Complainant Related Public Comment
3. Action – Vote to approve each finding

F. CC2022-009

P. Collins-Hackett & Julie L. Schwartz

The complainant alleges that an off-duty police officer in a non-duty vehicle threatened her mother in a road rage incident. Additionally, the complainant claims that the officer abused his power and was unable to control his own emotions. Furthermore, the officer reportedly took down the complainant's mother's license plate.

Allegation(s): Conduct Standards (1ct)

1. Discussion
2. Complainant Related Public Comment
3. Action – Vote to approve each finding

G. CC2022-011

J. Levendosky, A. Santos & Julie L. Schwartz

The complainant alleges that officers were called to the location for no reason. They entered the bathroom while she was in the shower, packed her belongings, put their hands on her, and threw her belongings on the street.

Allegation(s): General Call Handling and Procedures (4cts) and Use of Force (1ct)

1. Discussion
2. Complainant Related Public Comment
3. Action – Vote to approve each finding

H. CC2023-007

V. Harden & Julie L. Schwartz

The complainant alleges that on the night of the arrest, they were taken to the downtown station. During this time, a neck wallet containing \$280 was removed from their person. The wallet and its contents were not turned in to the evidence room according to proper procedures.

Allegation(s): Arrest Procedures (1ct)

1. Discussion
2. Complainant Related Public Comment
3. Action – Vote to approve each finding

I. CC2023-011

A. Santos

The complainant alleges that Albany Police Officers unlawfully entered his home and conducted a search while he was away. He also alleges that the officers interrogated his 11-year-old daughter, who was at home at the time of the incident, without his presence.

Allegation(s): Forced Entry (1ct) and General Call Handling and Procedures (1ct)

1. Discussion
2. Complainant Related Public Comment
3. Action – Vote to approve each finding

VI. CASE UPDATE

A. CC2022-027

P. Collins-Hackett & Monitor Al Lawrence

The complainant stated that she felt unsafe while officers were trying to help her retrieve items from the property. According to the complaint, the officers yelled at her and accused her of being difficult during the process. The complainant believed that the officers' behavior was inappropriate and did not adhere to proper police etiquette.

Allegation(s): Call Handling (1ct)

1. Discussion
2. Complainant Related Public Comment
3. Action – Vote to approve each finding

B. CC2023-001

A. Santos

The complainant alleges that on officers demonstrated a lack of urgency, care, and professionalism in their conduct. At approximately 2300hrs, the complainant claimed that she contacted 911 upon observing an unknown male situated within her parked vehicle at the intersection of Morris St and Delaware Ave. Dispatch informed her that all available officers were engaged in another incident, but she elected to await their arrival. The complainant asserts that despite her efforts to attract the attention of a sheriff's vehicle and an Albany PD car, she was disregarded. Subsequently, she managed to signal an APD SUV squad, who confirmed the registration of her call but were unable to respond due to an ongoing call. The complainant maintains that law enforcement displayed dismissiveness, lacked promptness in addressing her situation, and treated her as a peripheral concern. She expresses the belief that a more empathetic and professional approach could have been adopted. Despite this, she expressed appreciation towards Officer Day and his partner for addressing her concern with compassion upon their arrival.

Allegation(s): Conduct Standards (1ct), General Call Handling and Procedures (1ct)

1. Discussion
2. Complainant Related Public Comment
3. Action – Vote to approve each finding

VII. CONSIDERATION OF COMPLAINT CLOSURE

A. Complaint Out of Jurisdiction

1. Complaint Received 8/7/2024
2. Complaint Received 7/1/2024

VIII. REPORTS

A. CPRB Standing Committee Reports

1. Bylaws and Rules (A. Santos)
2. Community Outreach (P. Collins-Hackett)
3. Investigation (J. Levendosky)
4. Mediation (V. Collier & V. Harden)
5. Police Department Liaison (V. Harden)
6. Public Official Liaison (N. Vives)

B. Report from the Government Law Center (C. Miller)

C. Report from the Chair (N. Vives)

IX. APPROVAL OF MEETING MINUTES (N. Vives)
A. Approval of Minutes from Regular Meeting on July 11, 2024

- X. NEW BUSINESS (N. Vives)**
- A. Common Council Appointment: Mr. Milton M. Arroyo
 - B. CPRB Staff Update
 - C. Passage of Local Law D of 2024 at August 5, 2024 Common Council Regular Meeting
 - D. CPRB's City Website has been updated to include the Community Resource Guide, Frequently Asked Questions (FAQ) document, and Board Members' vacancy and term info.
 - E. CPRB Community Resource Guide AND CPRB Frequently Asked Questions translated into the following languages:
 - 1. Spanish
 - 2. Arabic (Modern Standard Arabic)
 - 3. Pashto
 - 4. Sgaw Karen
 - 5. Chinese (traditional)
 - 6. Chinese (simplified)

XI. BOARD MEMBER COMMENTS (Time Permitting)

XII. ADJOURNMENT (N. Vives)

Materials Provided:

- Minutes from Regular Meeting on July 11, 2024

During board meetings, all members and guests are expected to show utmost courtesy towards each other, speakers, and city employees. Refrain from making rude or derogatory remarks reflecting negatively on the integrity of others or making abusive comments about their motives or personalities.

Public Comment is an opportunity for members of the public to address the Community Police Review Board on matters under their jurisdiction. Public comment is limited to three (3) minutes per person out of courtesy to all community members who wish to speak.

Accommodations: CPRB provides accommodations upon request to persons with disabilities and individuals who are limited English proficient who wish to address CPRB Board/Committee matters. A request must be made within 48 hours in advance of a Board or Committee meeting, depending on the service requested. Please contact the CPRB's Office by phone at (518) 445-2383 for information.



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

*July 11, 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, Paul Collins-Hackett, and Victor Pearson.

OTHERS PRESENT:

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

II. PUBLIC COMMENT

There were no commenters present during this meeting.

III. CASE UPDATE & REVIEW (J. Levendosky & A. Lawrence)

CC2020-006

The incident occurred on May 18th, 2020. The allegations contained in the complaint were for evidence and property handling, including one count for oral handling, vehicle towing, and one count for use of force. Discourtesy was included on behalf of one detective for improper conduct.

Board Member Levendosky reported that after being pulled over for a traffic stop at Washington Ave and Ontario Street, the claimant had been detained, struck by an officer, strip searched, and that his car had been towed from the scene and trashed by officers.

Both the arrest report and booking report contained information alleging that the complainant had been driving east on Central Ave. and had failed to yield to an ambulance that had its sirens and emergency lights activated. The detectives subsequently checked the motor vehicle records

and found that the driver's license had been suspended. During the stop detectives found a digital scale and a quantity of cocaine inside the complainant's car. The complainant was charged with criminal possession of a controlled substance, failure to yield for an emergency vehicle, unlicensed operation, and a safety glass violation. The passenger was released at the scene.

Detectives one and two reported that they had not seen anyone with the alleged stolen center console from the car. Detectives two and three stated during interviews that the car was an older model and in disrepair. All the officers present reported that the complainant had been aggressive, erratic, and that he had been yelling obscenities and moving his hands/unzipping his hoodie. In the body-worn camera footage and OPS reports Detective two was shown yelling insults and obscenities at the complainant, Detective three reportedly tried to intervene.

Detectives reported that the complainant continually adjusted his clothing in the back of the patrol car, and that they had heard things falling and assumed he was tampering with evidence. The complainant was subsequently handcuffed and taken to S. Station. The complainant became agitated when he was told he'd be strip searched, and was handcuffed during the search after threatening the officers. The search did not uncover any illegal contraband.

Detective two and Sergeant one both maintained that no one had observed anyone strike the complainant and that he had not complained of the assault nor requested medical attention.

Board Member Levendosky reported that he concurred with the OPS' findings regarding the accounts of improper search, damage to the car, improper towing, and excessive force on the grounds that the search had been conducted with a supervisor present, was within the parameters of general order 5.2.25 central booking strip/body cavity search, and had satisfied probable cause through the complainant's behavior and other evidence uncovered during the traffic stop. There was no corroborating testimonial evidence to support the remaining counts.

Board Member Levendosky recommended that Detective two be cited for discourtesy due to his language. His findings were as follows;

- With regards to the 1 count of allegation of improper Call Handling, the CPRB reached a finding of **Exonerated**.
- With regards to the 1 count of allegation of improper Strip Searches, 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 **Not Sustained**.
- With regards to the 1 count of allegation of improper Evidence & Property Handling, the CPRB reached a finding of **Not Sustained**.
- With regards to the 1 count of allegation of improper Discourteous Conduct, the CPRB reached a finding of **Sustained**.

Board Member Levendosky made a motion on the findings.

Board Member Santos asked for clarification as to whether Detectives one, two, and three all believed the complainant was tampering with evidence while in the back of the patrol car. Board Member Levendosky answered that it was Detectives one and two.

Chair Vives asked for a seconding of board member Levendosky's motion. Motion seconded and passed. The voting results are as follows: six members (Vives, Harden, Collins-Hackett, Levendosky, Person and Santos) voted affirmatively.

CC2022-027

(P. Collins-Hackett)

Monitor Lawrence reported that the complainant had been evicted from an apartment and had stayed in a house on Yates Street for a couple weeks. When she was attempting to leave the house and retrieve her things the other residents in the home were not allowing her to do so. She subsequently contacted the police for assistance. Two officers responded and were granted permission by the owner of the home to go in and retrieve whatever property was left inside. The complainant was reluctant to reenter the home, but the officers assured her they would escort her inside and maintain her safety while she retrieved her things.

After the complainant and the officers left the building, the complainant became agitated and requested the officers to drive her to her parents' home in East Greenbush. The police answered that they could not drive her to a location outside the city and suggested she call them. She explained that it was too early in the morning and that they wouldn't be awake yet. She further noted that she did not have money for an Uber/Taxi and would not be able to get ahold of friends to come get her for several hours. The officers explained there was nothing more they could do and left the scene, to which she responded by calling the police and again asking for assistance.

Officers were sent back out to her location and identical communications took place. The officers tried to suggest several alternatives and travel aid information. Concerns were raised about her mental health and ability to reason. Eventually the officers became exasperated and departed the scene after she requested they leave her alone. She later returned to the property and was assaulted by one of the residents. She was subsequently taken to St. Peter's hospital.

The complainant alleged that the officers yelled at her, were aggressive, and denied her ability to retrieve her property. However, the Detective from OPS and Monitor Lawrence both reported that that portion of the complaint was unfounded, and that the officers should be exonerated.

Board Member Collins-Hackett asked for clarification on what actions or words led Monitor Lawrence to report that the officers had become exasperated. Monitor Lawrence answered that the officers had become a bit short in their communications with her once they had retrieved her property and she began to complain about her travel arrangements.

Board Member Collins-Hackett asked why the APD had referred to the complainant as emotionally disturbed in both the investigation report and in evidence contained in the complaint. Detective Dixon answered that the second call that went out was labeled as an emotionally disturbed person based on what the dispatcher had perceived as a state of crisis.

Board Member Collins-Hackett stated his concern with how the case had been managed, and questioned whether there had been an effort to deescalate or manage the situation. He also voiced his discontent with labeling someone clearly in crisis as emotionally disturbed. He further noted the language used by the officers, and voiced concern that the complainant had been threatened and stifled by responding officers, calling on OPS to develop a better management plan for similar scenarios.

Board Member Collins-Hackett recommended a finding of discourtesy on behalf of the officers.

Detective Dixon answered that the officers had tried to offer her alternatives, remain calm, and accommodate her as best they could, but that ultimately through review of the body-worn camera footage, it was clear the woman was having an emotional breakdown as a result of having nowhere to go and that her emotions escalated as she realized the officers could not comply with her requests.

Dr. Harden asked Detective Dixon to clarify the policy that existed for an emotionally disturbed person to be removed. Detective Dixon answered that there was a 941 policy in place. Dr. Harden asked Detective Dixon to explain the grounds for removal under that policy. Detective Dixon indicated that the policy was not included in the case file.

Board Member Levendosky clarified that for a 941 to have gone through the individual would have needed to have been hospitalized or taken in for medical assistance, and would also have had to have been a danger to themselves or others. Therefore, there had been no 941 in the current case.

Dr. Harden asked whether the complainant had been removed as an EDP. Board Member Levendosky answered that she had not been.

Board Member Collins-Hackett asked Detective Dixon to point out the behaviors that led her to believe the complainant was having a breakdown. She answered that based on the body-worn camera footage she had observed; the complainant had become visibly more agitated and upset throughout her interaction with the officers.

Board Member Santos questioned how long the incident lasted. Detective Dixon reported that the officers had responded to the location three times, but that she had no information concerning how long each interaction lasted.

Chair Vives clarified Board Member Collins-Hackett's motion to accept the finding for the exoneration of the first allegation and the addition of the finding for a discourtesy violation.

Monitor Lawrence clarified that the interactions had lasted about 20 minutes each time.

Chair Vives asked for clarification as to whether the officers would have violated a policy had they transported the complainant to another location. She also questioned whether the complainant had had trouble focusing and staying on task, or rather if she was not removing her belongings because she had nowhere to go.

Monitor Lawrence responded that the complainant ultimately had failed to move her things because she had no way to transport them to East Greenbush.

Detective Dixon answered that at the time of the incident the complainant would not have been categorized as a victim, and was looking for assistance to move her belongings. Chair Vives asked what the distinction would be for her to have been characterized as a victim. Detective Dixon answered that she would not have been considered a victim until hours later when she returned to the scene and was assaulted.

Detective Dixon reported that she was not clear as to the policy concerning officers transporting individuals outside city limits. Chair Vives responded that without that information there was no way to determine whether officers operated within APD policy.

Detective Dixon noted that she did not want to misquote policy, but that generally officers of the APD were not supposed to operate outside their jurisdiction.

Board Member Collins-Hackett voiced his concern with the way the complainant was handled and addressed throughout her interactions with police.

Chair Vives stated that if there was no policy concerning transportation outside jurisdiction lines an additional allegation should have been added to the complaint. She also voiced discontent for Detective Dixon's explanation as to the professional conduct of the officers throughout their interactions with the complainant.

Dr. Harden questioned whether there had been any consideration of education level. Board Member Collins-Hackett answered that there had not been, but that moving forward officers should be instructed on the importance of that factor when interacting with individuals and that OPS had not developed a constructive plan as all the allegations had been exonerated in their reports.

Chair Vives emphasized the importance of looking at the entirety of the case and its circumstances when determining whether a violation has occurred in connection with a General Order. She noted her frustration with the decision to exonerate when there were a number of allegations that could have been added to the complaint that the complainant likely did not know existed.

Board Member Collins-Hackett reemphasized the failures of both the interactions between the officers and complainant, and the reports and exoneration process.

Chair Vives moved to modify the motion put forth by Board Member Collins-Hackett. A motion was made to move forward with the exoneration as to allegation one, with the addition of a discourtesy violation which was to be tabled until the policy regarding transportation outside jurisdiction could be clarified. Motion seconded and passed. The voting results are as follows: six members (Vives, Harden, Collins-Hackett, Levendosky, Person and Santos) voted affirmatively.

CC2022-034

(P. Collins-Hackett & A. Lawrence)

Monitor Lawrence reported that the complaint alleged that the complainant had been walking down the street when an officer pulled up next to her and asked where she was going. The complainant responded that she was just taking a walk to get exercise, to which the officer responded by asking for her number. When she declined to give the officer her number, he asked her for sexual favors.

Monitor Lawrence reported that the complainant had been anonymous, and that her contact information was invalid. As a result, there was no way to reach her or corroborate anything in her complaint. The officer involved was interviewed and denied the allegations.

Board Member Collins-Hackett corroborated the information reported by Monitor Lawrence and stated that there was no way to move forward with the investigation without more information.

Board Member Collins-Hackett made a motion to accept OPS' finding of not sustained. Seconded and passed. The voting results are as follows: six members (Vives, Harden, Collins-Hackett, Levendosky, Person and Santos) voted affirmatively.

CC2024-003

(D. Harden)

Dr. Harden reported that earlier that afternoon the complainant had called to withdraw her case complaint.

Dr. Harden made a motion to withdraw the case per the complainant's request. Seconded and passed. The voting results are as follows: six members (Vives, Harden, Collins-Hackett, Levendosky, Person and Santos) voted affirmatively.

CC2023-001

(A. Santos)

The incident occurred on October 21, 2022 around 11:00 pm, at 25 Morris Street and Delaware Avenue. The allegations contained in the complaint were for conduct standards and call handling procedure. Board Member Santos reported that the complainant alleged there had been a lack of urgency, care and professionalism exhibited by APD dispatch staff in response to several calls made on 10/21/22.

The citizen's complaint was sent to Mayor Kathy Sheehan and APD Chief Eric Hawkins via email on 10/26/22, and was forwarded and received by OPS on 3/8/23.

During the call to 911 dispatch at 23:04, the complainant alleged that her vehicle had been broken into and that she had observed an unknown man leaving her vehicle and walking down the street. Dispatch responded by stating that they would send someone to assist her. A second call was made at 23:21 in which the dispatcher verified the initial call had been received, and that someone would be sent to assist her as soon as possible. The call was then transferred to the Center Station desk, in which she was told the city was very busy but that they would assist her as soon as they could. A third call was made at 00:17, in which the complainant addressed her frustration with how long assistance was taking. Officer Baker, recommended that she stay near her vehicle and that as soon as an officer belonging to the next shift was available, assistance would be sent.

Two officers responded around an hour and twenty minutes after the initial phone call was made by the complainant. Her calls had been recorded as Priority 3 in the call system, requiring a much slower response time and subject to Priority 1 and Priority 2 calls being responded to first.

OPS found the allegations of conduct standards unfounded on the grounds that the complained about acts did not occur or were misconstrued. Board Member Santos disagreed with OPS findings, stating that based on the OPS files she believed the allegation for conduct standards was exonerated rather than unfounded. As to the second allegation, OPS found the allegation of call handling unfounded on the grounds that the acts for the basis of the complaint occurred

but were proper. Board Member Santos concurred with those findings. Board Members Santos made a motion to close the complaint.

Chair Vives granted the complainant the opportunity to speak.

The complainant stated that her two major complaints were that (1) officers ignored her plea for help when she attempted to wave them down pending assistance; and (2) she contacted both the Mayor and Chief of police and no one returned her phone calls until nearly 5 months later.

Chair Vives questioned whether the call was correctly categorized as a Priority 3 call. Lieutenant Decker answered that calls were prioritized based on information provided to the dispatcher, regardless of extenuating circumstances. Detective Burns further clarified that based on the information provided to dispatch the call would have been properly classified as Priority 3.

Chair Vives asked whether there were criteria or standards that had to be met for a call to be considered Priority 3. Lieutenant Decker answered that incoming calls were all categorized and that crimes in progress were of a higher priority than report calls, such as the one in the current case.

Chair Vives asked whether the crime had been actively occurring, as the complainant had reported seeing the man who had illegally entered her vehicle.

The complainant responded that she had been actively following the perpetrator while making the call to 911.

Chair Vives clarified that it had been an active situation, and questioned whether it would have still been categorized as Priority 3. Detective Burns answered that because the perpetrator had been leaving the scene when the complainant made the phone call, the call would have been correctly categorized as a Priority 3 report call.

Chair Vives and Board Member Collins-Hackett voiced discontent with the unclear boundaries of the categorization between crimes in progress and report calls.

Chair Vives redirected attention to the complainant's initial question. Lieutenant Decker answered that if an officer was being waved down, barring anything on the radio that seemed of higher priority, most officers would stop to investigate what was going on. He stated that in this case, officers did stop to corroborate that her call had been received and that it would be addressed when possible.

Board Member Santos questioned why the transfer of complaint had taken so long. Lieutenant Decker answered that once received, detectives started working.

Board Member Santos requested to table the motion until information concerning the APD policies relevant to the complaint were received by the board. Motion seconded and passed. The voting results are as follows: six members (Vives, Harden, Collins-Hackett, Levendosky, Person and Santos) voted affirmatively.

The incident occurred on July 28, 2021 at the Albany Police Department on Henry Johnson Boulevard. The allegation contained in the complaint was for call handling procedures. The complainant alleged she phoned APD regarding the disappearance of her 16-year-old niece from Saint Anne's Institute on North Maine Avenue in Albany. The complainant had posed questions to an unidentified APD staff member in an effort to speak on behalf of her brother, the father of the missing girl.

In an effort to post informational flyers and notify local media as to the disappearance of her niece, she asked the APD member what clothes the girl had been wearing when she disappeared, what time of day her disappearance had been recognized, and whether NYS Police would be notified. The complainant was told the NYS police would not be notified as the disappearance was classified as a local manner.

Board Member Santos reported that OPS failed to conduct a proper, timely, and full investigation into the matter. Further, because the statute of limitations had run there was no way to obtain the true facts regarding the complaint.

Board Member Santos stated that OPS' finding as to the allegation of call handling was one of no findings on the grounds that the complainant had failed to produce information to further the investigation. She concurred with the findings, but for dissimilar reasons, finding that if properly investigated the identity of the female staff member could have been identified and was not the responsibility of the complainant.

Board Member Santos reported that it was within typical policy to notify surrounding agencies of disappearances, and that had accurate information been provided to the complainant the complaint may have been avoided altogether. She further noted that OPS should have completed an investigation within 60 days of their assignment to the case. Board Member Levendosky clarified that outside agency notification exists for individuals reported missing outside the city's jurisdiction, but that a policy recommendation could be made to amend or extend the policy to disappearances within Albany.

Chair Vives asked for a seconding of the motion. Seconded and passed. The voting results are as follows: six members (Vives, Harden, Collins-Hackett, Levendosky, Person and Santos) voted affirmatively.

IV. COMMITTEE REPORTS

COMMUNITY OUTREACH

(P. Collins-Hackett)

Board Member Collins-Hackett reported that community outreach had attended the A.L.E.R.T event, supporting their sports challenge. The committee had also been speaking with members of the WCAA radio station concerning outreach opportunities there, and was exploring an opportunity to craft a mural at the South Bend Children's Cafe in collaboration with other partners to facilitate discussions about police interactions.

He reported that the committee continued to partner and table at community provider events as they emerged.

BYLAWS AND RULES

(A. Santos)

Board Member Santos reported that the committee with the assistance of legal counsel, Mark Mesler, and CPRB program manager, Michele Andre, had submitted records to codify Section 10, conflict of interest into the bylaws and rules of the CPRB. She reported that the language contained in the modification was modeled after Peak Skills CCRB.

Board Member Santos noted that during the New Business portion of the meeting she planned to request that the amendments to the bylaws be approved.

Board Member Santos explained that subject to Page 7, Section 10, a conflict of interest would arise when a complaint investigation put before the CPRB presented an actual or potential conflict of interest for a board member, the board member would recuse himself/herself from consideration of the particular complaint investigation, and that action would be noted accordingly in the meeting minutes for that meeting.

The scenarios in which a conflict of interest could occur included were, but not limited to:

- Where a CPRB member is the complainant;
- Where a CPRB member is a witness to an incident subject to a complaint; or
- Where a CPRB member is an attorney or other legal representative for the complaint or the complainant who is subject to the complaint.

Board Member Santos reported that CPRB members had an affirmative obligation to report any information that would create an actual or potential conflict of interest and to avoid circumstances that would create an appearance of impropriety.

Mere acquaintance did not constitute a conflict of interest.

Board Member Santos made a motion to approve the amendment to the bylaws and rules in accordance with Section 10, conflict of interest with the language specified under Article 7 Committees and requested a vote on the matter.

Chair Vives reiterated that the vote would not take place until the New Business portion of the meeting.

Chair Vives made a motion to strike the portion of the amendment stating that a board member who was an officer subject to a complaint could create a conflict of interest. She stated that former or current APD officers could not be members of the CPRB board, and therefore that portion of the amendment should have been stricken to avoid confusion.

Chair Vives emphasized the importance to adding to the procedural posture of the amendment in future meetings. Manager Andre corroborated the addition.

Counselor Mishler clarified that board members would not be required to publicly disclose what they thought their conflict of interest might be for any particular case, but rather should simply draw attention to the potential conflict of interest to encourage later discussion. Chair Vives corroborated Counselor Mishler's comments, explaining that board members should use meetings as an avenue to address a potential conflict of interest, but that details should not be discussed during that time.

INVESTIGATION

(J. Levendosky)

Board Member Levendosky reported that the committee was working to contribute to their portion of the CPRB budget requests, due July 31st. He reported that it was the goal of the committee to have an investigative team, comprised of skilled senior and junior investigators, so as to integrate the necessary investigative experiences and incorporate fresh perspectives while conducting independent examinations of police misconduct allegations within the one-year time limit, to impose discipline according to the collective bargaining agreement.

He reported that the committee continued to monitor the progress of the investigations and were working to attract new investigators. He reported that they were also working to develop an investigative framework and protocols for CPRB employees and investigators.

He reported that the APD had recently released its quarterly report on disciplinary actions taken against sworn members from April 31, 2024 to June 30, 2024, revealing no disciplinary action was taken during that period.

He noted that the current case the committee was working on was voted on during the board's last special meeting on April 26th, and was still in progress. He reported that the board was also investigating one complaint and four incidents. He explained that the committee had 78 complaints awaiting resolution by the Oakland Police Department, with 11 active complaints under OPS Supervisor Review, 63 active complaints under OPS investigation, and four cases awaiting detective and OPS case numbers.

He reported 75 active cases awaiting review by the APD, officer professional standards, investigators, and a member of the CPRB. Of the 75 active complaints, 73 had taken over 60 days to investigate. APD General Orders 2.4.05 mandate the completion of the investigation within 60 days of the assignment to an OPS detective. He further reported that 48 out of the 74 surpassed 365 days, preventing formal discipline for sustained allegations in accordance with the collective bargaining agreement.

He reported that the board reviewed and made findings for 18 complaints in 2024 and the APD had completed investigations for 17 active complaints, submitting case summaries to OPS in 2024.

POLICE DEPARTMENT LIAISON AND MEDIATION

(V. Harden)

Dr. Harden reported that the committee was still waiting on a response from OPS regarding the focus group that they proposed to officers to gain feedback, to promote the use of mediation when applicable.

She reported that at the next Police Department Liaison meeting, she planned to bring up concerns surrounding the steps following a request for mediation on complaint forms.

Program Manager Andre reported that she had followed up with the detective on the three cases that were awaiting case number assignments and detectives, ensuring they were within jurisdiction. She also reported that she had followed up on 34 cases received in 2022, as well as one from 2019 and one from 2020 that were awaiting department status updates on either case summaries or follow-ups, so as to work on closing them out.

She also reported that she had followed up John to discuss how to utilize the monitors to address some of the outstanding complaints given the limited capacity of the board and its limited members, and was still awaiting a response.

PUBLIC OFFICIAL LIASON

(N. Vives & J. Levendosky)

Chair Vives reported that the committee did not meet in June due to a scheduling conflict. She reported that they had met with the Common Council the previous Tuesday to discuss Local Law D, and move forward in the process of passing the legislation. She noted that they met with the Public Safety Committee, as well as, two sponsors of the bill, counselors Mark Mishler and Kevin Cannizzaro, and Program Manager Michele Andre. They presented testimony to move forward with the bill, to which Common Council proposed some revisions. Chair Vives noted there was a workable way forward at that point to ensure the bill's passing, following some changes to the language.

She reported that they planned to have the language finalized in time to vote on the legislation at the next meeting.

GOVERNMENT LAW CENTER

(M. Andre)

Program Manager Andre reported that she would be submitting the meeting minutes for June 13, as well as the 2024 Second Quarter Report for review and approval. She reported that she had followed up with the deputy chief to obtain an update on the discipline matrix projects, and sorted an update on the final response dated April 12th, to conclude the steps and determine whether APD would be approving the project and the formal recommendations. She reported that the deputy chief had responded that evening, communicating that he and the chief hoped to send a formal response by the end of the following week.

Program Manager Andre reported that she was also working on the Budget Submission Proposal with the GLC chair, and would also be meeting with the Common Council, Finance Committee Chair and staff to understand the expectations for the budget submission. She stated that she would be forwarding a finalized copy of the budget for consideration and approval via email to meet the submission deadline.

She also reported that she had sent the most recent report for invoices, as well as the budget summaries of expenses to date. She reported that she had purchased travel arrangements for the NACOLE conference on October 14th-17th, in Arizona, and had recently worked with the law school Director of Communication and Marketing, GLC editors, and consultants to update the CPRB brochure and design, modeled after the New York City CCRB design.

Program Manager Andre reported that there would be a retreat taking place the following Saturday, July 27th, from 10:00 am to 4:00 pm. She noted that the GLC consultants would be joining as well as some of the office's interns. She further reported that she had sent a meeting agenda for consideration for feedback on the training topics. She also noted that Professor Woods had reached out to the Mayor's office for a consideration of replacement for both former Board Member Gaynor and Rev. Collier. Program Manager Andre reported that she reached out to the Common Council to discuss plans to fill former Board Member Matt Ingram's position, and that they had notified her that they were in the midst of the replacement process and scheduling interviews.

She clarified that the individuals chosen by the Common Council were part of an internal process observed by the Mayor's office and could not be influenced by sitting board members.

Chair Vives questioned whether a special meeting would need to take place to vote on the budget. Program Manager Andre answered that she would double check, but believed the chair likely had the authority to present and process the request at a normal meeting.

V. APPROVAL OF MEETING MINUTES

Chair Vives moved to approve the meeting minutes from the regular meeting on June 13, 2024. Motion seconded and passed.

VI. NEW BUSINESS

Chair Vives moved to approve the 2024 Second Quarterly Report. Motion seconded and passed. The voting results are as follows: six members (Vives, Harden, Collins-Hackett, Levendosky, Person and Santos) voted affirmatively.

Chair Vives moved to approve the amendments to the Bylaws and Rules Section 10, Conflict of Interest under Article 7 Committees. Motion seconded and passed. The voting results are as follows: six members (Vives, Harden, Collins-Hackett, Levendosky, Person and Santos) voted affirmatively.

Chair Vives addressed former Board Member Gaynor's resignation and the request sent to the Mayor's office for a consideration of replacement for both his position as well as Rev. Collier's.

Chair Vives reported that on Friday, July 26th, CPRB would be hosting a community forum on civilian oversight in Albany. Program Manager Andre clarified that they were still in the planning process, but that they hoped to touch on Local Law D and incorporate youth individuals on the panel to get their perspective, as well as get the word out to the community through partnerships with other community organizations.

Chair Vives reported that on Saturday, July 27th, 2024, from 10:00 am to 3:30 pm, the board would be hosting a retreat at the law school.

Chair Vives also mentioned the new CPRB brochure design.

VII. ADJOURNMENT

There being no further business, the meeting was adjourned at 8:17 pm.