



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

*September 12, 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.

II. APPROVAL OF SEPTEMBER 12, 2024 AGENDA **(N. Vives)**

Chair Vives proposed moving review of CC2022-009 to a future meeting.

Chair Vives moved to approve the meeting agenda. The motion was seconded. Six members (Vives, Harden, Collins-Hackett, Levendosky, Person, and Santos) voted affirmatively.

III. REPORT FROM THE OFFICE OF PROFESSIONAL STANDARDS

No report.

IV. PUBLIC COMMENT

There were no commenters present during this meeting.

V. CASE REVIEW

CC2023-028

(V. Person & Monitor A. Lawrence)

The incident occurred on April 27 or 28, 2023. The complainant alleged that APD Officer Silver stepped towards him in an aggressive manner, put his chest on the complainant's shoulder, and told him to leave the area. The complainant alleged that Officer Silver followed him and tried to initiate a fight with him.

CPRB Monitor Al Lawrence reviewed the OPS investigation conducted by Detective Hillary A. Burns. The CPRB Monitor observed that OPS Detective Burns attempted to contact the complainant for clarification; obtained call tickets to identify the target officer; interviewed the target officer; and attempted to find camera footage of the incident. No body-worn camera footage or other video documentation of contact between the complainant and Officer Silver has been located. The target officer has no recollection of encountering the complainant and denies the allegations. However, Officer Silver acknowledged conducting property checks at the locations on

the dates indicated in the call tickets. Officer Silver did not activate his body-worn camera during the property checks.

In a final report dated August 7, 2023, OPS Detective Burns concluded that the complainant's allegations could not be proven or disproven, and therefore, that the complaint could not be sustained.

The CPRB Monitor concluded that the complaint could not be proven or disproven by the evidence available.

Board Member Victor Person concurred with the Monitor's conclusion. Board Member Person attempted to speak with the complainant. The complainant was unwilling to speak to the board and stated that he did not remember filing a complaint.

The CPRB's findings are as follows:

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

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

CC2023-029

(V. Person & Monitor A. Lawrence)

The incident occurred on April 12, 2021. The complainant alleged that unnamed APD officers arrived at his home with two mobile crisis agents after he refused to speak with his therapist. The complainant alleged that the officers threatened to kick in his door, ordered him to come out, and subsequently tasered, injured, and unlawfully arrested him.

CPRB Monitor Al Lawrence reviewed the OPS investigation conducted by Detective Hillary A. Burns. On July 23, 2024, Mr. Lawrence observed the body-worn camera footage. Mr. Lawrence noted that Sections 9.37(b) and (d) of the New York State Mental Hygiene Law allows a county mental health unit to "take into custody, detain, transport, and provide temporary care" for any person it deems in need of immediate evaluation because that person poses a serious harm to self or others, with a written order to do so. Section (d) also requires the police to "take into custody and transport any such person" if directed to do so. The CPRB Monitor observed that the officers acted on the representations of the mobile crisis unit agents that they had a valid order to take the individual into custody, and that the officers made multiple attempts to get him to willingly leave his apartment.

The body-worn camera footage shows Officer Romano drawing his taser and pointing it at the complainant as the complainant emerges from the apartment wearing boxing gloves, stating, "I'm gonna show you how to fight." The footage shows the complainant attempt to strike Officer Carroll before Officer Romano fires the taser at the complainant. Officers are then seen wrestling the complainant to the floor and handcuffing him.

In a final report dated July 24, 2023, OPS Detective Burns concluded that the officers should be exonerated on the allegations that they improperly detained the complainant and that they used excessive force in doing so. Detective Burns obtained the call ticket to identify the date of the incident and names of officers dispatched to the location (Officers Michael Carroll, David W. Romano, Elston Mackey, Jarrod M. Jourdin, Joshua Fuchs, Dominick J. Herald, and Bryce M.

Allen); the incident report; an interview with Officer David W. Romano; and footage of the incident from body-worn cameras of four of the present officers.

The CPRB Monitor concluded that the officers used reasonable force under the circumstances and concurred with OPS Detective Burns' conclusion that the officers should be exonerated on both allegations in the complaint.

Board Member Person concurred with the CPRB monitor's conclusion.

The CPRB's findings are as follows:

- With regards to **1 count** of allegation of improper **Call Handling**, the CPRB reached a finding of **Exonerated**.
- With regards to **1 count** of allegation of improper **Arrest Authority & Procedures**, the CPRB reached a finding of **Exonerated**.

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

CC2022-022

(J. Levendosky, A. Santos, & Monitor A. Lawrence)

The incident occurred on July 25, 2022. The complainant alleged that APD Officers Jamar Bryan and Jasonnah Bink improperly entered her residence. The complainant's 17-year-old son, who was home alone, was woken by loud banging on the front door of the residence. By the time the complainant's son went downstairs to answer the door, two APD officers were inside the house: Officer Bink was standing in the doorway, and Officer Bryan was several feet inside. The complainant's son reported that the officers stated they were looking for someone named "James." The complainant's son indicated that no one by that name lived in the house and told them to leave multiple times. According to the complainant's son, Officer Bryan asked who lived in the basement; the son responded that the basement was vacant. Officer Bryan then walked past the complainant's son further into the house and began opening doors. Upon finding a bathroom, the officers left.

CPRB Monitor Al Lawrence reviewed the OPS investigation conducted by then-OPS Detective William E. Pierce, including the call ticket, supervisor's report, officer interviews, and body-worn camera footage. The CPRB Monitor viewed body-worn camera footage on July 23, 2024. He observed that Officers Bryan and Bink entered the home looking for an individual named "James," acting on a verbal direction from an unnamed fellow officer and without any direct knowledge of an existing warrant. The CPRB Monitor observed that the officers opened an unlocked door, entered the residence, questioned the occupant, and probed inside to determine whether the subject of an unconfirmed warrant might be living there. The CPRB Monitor highlighted signs that would have indicated that this was a private residence: a door-knocker, a single mailbox, personal clothing in the hallway, and an occupant insisting that it was a private residence and that the officers had no right to be there.

The CPRB Monitor noted that the officers had no verification that a warrant actually existed for the arrest of the person for whom they were looking. While the Albany Police Department's General order 5.2.20(II)(A)(5) does permit officers who "encounter a subject for whom they believe a warrant is outstanding" to detain that individual and immediately determine whether a

warrant is on file, it does not permit officers to unjustifiably enter a private home in which there were signs that indicated that they were not in a common area.

In a final report dated December 4, 2022, OPS Detective Pierce concluded that Officer Bryan lawfully entered the home and that Officer Bink followed “without malice,” unaware as to whether or not the first officer had been invited in by the occupant. Without stating explicitly what conduct needed to be addressed, Detective Pierce recommended only that the incident reflected “ineffective policy or training.”

The CPRB Monitor concluded that Officers Bryan and Bink improperly entered a private home in search of an individual they had been told, but had not confirmed, was wanted on a warrant. The Monitor noted Officer Bryan knew or should have questioned whether he had authority to enter the home. The Monitor acknowledged that, while Officer Bink’s participation was marginal, she should have seen the same signs as her senior officer that they had not entered a common area.

Board Member Collins-Hackett inquired as to whether corrective action could be taken, and where on the APD Discipline Matrix this would fall. Board Member Levendosky noted that the Discipline Matrix cannot be applied in this situation given that the incident occurred over two years ago.

Upon review, it was noted that OPS Detective Pierce’s determination was not included in the officers’ personnel files. Board Chair and Vice Chair Harden inquired about why this would not be included in personnel or disciplinary files. Board Member Santos also inquired as to the reasoning behind OPS Detective Pierce’s conclusion that further training was more appropriate than discipline. OPS Detective Lieutenant John Rittie indicated that he would look into these questions and provide an update.

The CPRB’s findings are as follows:

- With regards to **1 count** of allegation of improper **Call Handling**, the CPRB reached a finding of **Sustained**.

Board Member Levendosky made a motion on the findings. 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.

CC2022-020

(J. Levendosky, A. Santos, & Monitor A. Lawrence)

The complainant alleges that APD Officers have ignored many complaints that he has made about drug usage in his apartment building, including not taking a report when responding to an incident on June 1, 2022, in which the complainant alleges that he was punched by a fellow tenant.

CPRB Monitor Al Lawrence reviewed the OPS investigation conducted by Detective Keith E. Johnson. Detective Johnson obtained call tickets that indicated that Officers Jacklyn C. Garneau and Michael C. Delano responded to two calls that the complainant made to police on June 1, 2022. Incident reports filed by both officers indicate that the complainant asserted that a neighbor had punched him in the face and knocked his glasses off, but that no physical injuries were evident and the complainant declined medical attention. The incident report filed by Officer Delano stated that the complainant was advised of the process for obtaining a court summons. The complainant obtained a court summons a week later. Signed by the complainant, it alleges Harassment, Second Degree, in that on June 1, 2022, the neighbor had become angry, followed him into the building’s vestibule, and punched him in his face, causing his glasses to fall off.

In a final report dated September 13, 2023, OPS Detective Johnson reported that he had unsuccessfully attempted to contact the complainant several times. Detective Johnson recommended that the complaint be closed with no finding inasmuch as he was unable to contact the complainant for information that would further the investigation. The CPRB Monitor concurred with Detective Johnson's conclusion.

The CPRB's findings are as follows:

- With regards to **1 count** of allegation of improper **Call Handling**, the CPRB reached a finding of **No Finding**.

Board Member Levendosky made a motion on the findings. 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.

CC2022-036

(J. Levendosky & Monitor A. Lawrence)

The incident occurred on October 29, 2022. The complainant, who identified himself as African-American/Black alleged that he was racially profiled by an APD Officer. The complainant alleged that an APD Officer stopped him in the street and demanded that he drop an open beverage he was holding, but not his companion, who is white/Caucasian. The complainant also stated that the officer issued a ticket for public possession/consumption of an alcoholic beverage with a return date in which he would not be in Albany to attend. The complainant further alleged that the officer was sarcastic, condescending, and rude during this encounter.

CPRB Monitor Al Lawrence reviewed the OPS investigation conducted by Detective Raven S. Dixon. Detective Dixon obtained a call ticket, which determined that Officers Samantha M. Johnson, Ryan McCrum, Scott C. Moran, and Mallory M. Morgan were at the scene on October 29, 2022. The CPRB Monitor reviewed a recording of an interview with Officer Moran, video footage from Officer Moran's body-worn camera, and written statements from two of the officers who were present.

Video footage from Officer Moran's body-worn camera covers a seven-minute encounter beginning at 12:45 a.m. In the video footage, the complainant is stopped by Officer Moran and asked for identification and his address. He is told that he is being given a ticket for having an open container. The complainant is asked for his birth date and does not reply. In the video, Officer Moran tells the complainant that he can give him the requested information, or he can go downtown in a squad car and be charged with Obstructing Governmental Administration. The complainant eventually provides his birth date. Officer Moran gives him a citation and tells him that he must appear in court on November 24. No objection can be heard by the complainant regarding the court date, racial profiling, or rude and condescending behavior. Other revelers can be seen walking in the street during the encounter, but none appear to be wearing open containers. It is not discernable from the body-worn camera footage whether the complainant was walking with others carrying open containers at the time that he was stopped.

In a final report dated May 7, 2024, OPS Detective Dixon concluded that the complainant's stop and summons were proper and that the officers should be exonerated on that allegation. As to the allegation that the officers were rude, sarcastic, or condescending, Detective Dixon held the complaint unfounded because it was not substantiated by body-worn camera footage.

The CPRB Monitor concluded that the allegation of being improperly stopped and given a citation as a result of racial profiling is not sustained, meaning that it cannot either be confirmed or refuted by the available evidence. The CPRB Monitor concurred with the OPS finding of unfounded with regards to the allegation that officers were rude, sarcastic, or condescending.

Upon review, Board Member Levendosky inquired as to why there was only body-worn camera footage for Officer Moran, when at least one other officer was present. OPS Detective Dixon reported that the stop was initiated by Officer Moran, who did turn on his body-worn camera. Detective Dixon added that the other officers, such as the female officer mentioned in the complaint, appear to be in the vicinity, but not involved in the interaction. Board Member Levendosky clarified that it would be within APD policy for an officer to not activate their body-worn camera if they are not part of an encounter.

CPRB Outside Counsel Mishler raised concerns regarding Officer Moran's threat to arrest the complainant for Obstruction of Government Operation and take him into custody to the police station over not providing a name or birth date. Mr. Mishler suggested that, while this conduct may not be in violation of specific policy, it is inappropriate and OPS could consider providing training to officers about this issue. Board Member Levendosky inquired as to whether it is within APD policy that an individual can be taken into custody and brought to the station for refusing to provide identification, noting that this threat has been made in the past by other officers when it does not apply. OPS Detective Dixon confirmed that it is within APD policy. Chair Vives suggested that this issue be raised at the next Police Department Liaison Committee Meeting.

The CPRB's findings are as follows:

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

Board Member Levendosky made a motion on the findings. 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.

CC2022-011

(J. Levendosky, A. Santos, & Monitor J. Schwartz)

The incident occurred on March 18, 2022. The complainant alleged that APD Officers were called to the location for no reason. The complainant alleged that officers entered the bathroom while she was showering, packed her belongings, put their hands on her, and threw her belongings on the street. The complainant expressed that she felt discriminated against because she is African-American and homeless. The incident occurred outside of the shelter in which she was staying.

CPRB Monitor Julie L. Schwartz reviewed the OPS investigation conducted by Detective Keith E. Johnson. The CPRB monitor reviewed the OPS Detective's report, call tickets, video footage from the body-worn cameras of Officers Benjamin Panniccia and Chad McCanney, CPRB complaint dated March 18, 2022, email from complainant on March 29, 2022, and the APD/CPRB Civilian Complaint Report.

In a final report dated August 5, 2024, OPS Detective Johnson concluded that officers' arrival and removal of the complainant were proper; that the officers did not enter the bathroom while the

complainant was in the shower as alleged; that the officers' packing of the complainants' belongings was proper because the complainant refused to leave the property after staff at the facility requested she leave; that officers did not throw her belonging on the street; and that an officer did not place hands on the complainant. Upon review of the evidence, the CPRB Monitor concurred with Detective Johnson's findings.

The CPRB Monitor found that the police were called by shelter staff because there was some prior incident between the complainant and the staff. The staff that were viewed on the body-worn camera footage all seemed to indicate that there was an incident with that complainant that led them to call the police. The CPRB Monitor noted that it appears that the responding officers effectively removed the complainant from the premises, perhaps as an alternative to an arrest for trespass. However, the CPRB Monitor suggested that APD review the matter further to determine whether policy review and revision is necessary to ensure conformance with NYS Real Property Actions and Proceedings Law Section 768 (Unlawful eviction).

In addition, CPRB Monitor noted that the initial complaint was submitted on March 18, 2022, but the OPS investigation was not submitted to the CPRB until August 2024. After follow-up by the CPRB, the complainant provided more details on March 29, 2022. OPS Detective Johnson was assigned to the case on April 7, 2022. Officers were interviewed by OPS on September 15 and 18, 2023, and the investigation was approved by the OPS supervisor on September 19, 2023. The case was submitted to the CPRB on August 5, 2024. The Monitor noted that the CPRB has not been provided with an explanation as to why there was a delay in interviewing the officer or in apprising the CPRB of the findings in this case.

Board Member Collins-Hackett inquired as to who summoned the police. CPRB Monitor Schwartz clarified that the staff at the shelter called the police.

CPRB Monitor Schwartz, Board Member Levendosky, and Board Member Collins-Hackett remarked that the video footage from body-worn cameras showed officers exhibiting polite and patient conduct.

The CPRB's findings are as follows:

- With regards to **2 counts** of allegation of improper **Call Handling and Procedures** involving Officer Panniccia, the CPRB reached a finding of **Exonerated**.
- With regards to **2 counts** of allegation of improper **Call Handling and Procedures** involving Officer Panniccia, the CPRB reached a finding of **Unfounded**.
- With regards to **1 count** of allegation of improper **Use of Force** involving Officer Panniccia, the CPRB reached a finding of **Unfounded**.
- With regards to **2 counts** of allegation of improper **Call Handling and Procedures** involving Officer McCanney, the CPRB reached a finding of **Exonerated**.
- With regards to **2 counts** of allegation of improper **Call Handling and Procedures** involving Officer McCanney, the CPRB reached a finding of **Unfounded**.

Board Member Levendosky made a motion on the findings. 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.

CC2023-007

(V. Harden & Monitor J. Schwartz)

The incident occurred on February 5, 2023. The complainant alleges that after he was arrested and taken to the downtown station, his neck wallet containing \$280.00 was removed from his person and improperly turned in to the evidence room. The complainant alleges that he has been unable to obtain the money removed from him.

CPRB Monitor Julie Schwartz reviewed the OPS investigation conducted by Detective Christopher Stiles, which included review of nine videos of the arrest at the location of the incident and at South Station, an OPS confidential report, and OPS case summary.

In a final report dated August 12, 2024, Detective Stiles concluded that the review of body-worn camera footage from Officers Baker and Hakkinen and station house camera footage show that Officer Baker conducted a search of the complainant prior to entering booking; removed the complainant's wallet and handed it to Officer Hakkenin, who put the wallet into a blue property bag; completed a property sheet and inventoried the complainant's property. Phone conversations and documents with APD Clerk and Albany County Jail personnel demonstrate that the complainant's property was turned over to Albany County Sheriff's Department correctional staff at APD booking, then transferred to the Albany County Jail, and that money in the complainant's wallet totaling \$393.00 was transferred into his commissary account. The complainant received a receipt from the jail for \$393.00.

However, a representative from the jail informed the OPS detective that the complainant cannot withdraw money once it has been placed into a commissary account, but did not explain why, nor did the detective ask.

The CPRB Monitor concurs with OPS Detective Stiles' findings that the officers followed APD procedures for processing the complainant's property. The money was identified and properly transferred to the jail, and subsequently placed into the complainant's commissary account. The CPRB Monitor explained that the problem of the complainant not receiving his money lies with the procedures at the Albany County Correctional Facility, not APD.

In addition, the CPRB Monitor noted that the initial complaint was filed on or about February 21, 2023. The case was assigned to OPS Detective Stiles on March 20, 2023. Detective Stiles closed the case on March 24, 2023. The case summary was received by the CPRB on August 12, 2024. The Monitor stated that APD has not provided a reason for the delay.

The CPRB Monitor also noted that APD records did not indicate which officers' body-worn camera footage and station house camera footage had been provided, either in the index or by captioning on the actual footage. Therefore, the CPRB Monitor is unable to confirm that the OPS conclusions as to the actions of each specific officer which were apparently based upon a review of the officers' body-worn camera footage are accurate. The CPRB Monitor requested that this information be provided going forward. Chair Vives suggested that this issue be raised at the next Police Department Liaison Committee Meeting.

The CPRB's findings are as follows:

- With regards to **1 count** of allegation of improper **Arrest Authority & Procedures**, the CPRB reached a finding of **Exonerated**.

Vice Chair Harden made a motion on the findings. Chair Vives asked for a seconding of Vice Chair Harden's motion. Motion seconded and passed. The voting results are as follows: five

members (Vives, Harden, Levendosky, Person, and Santos) voted affirmatively. One member (Collins-Hackett) was not present for the vote.

CC2023-011

(A. Santos)

The incident occurred on March 17, 2023. The complainant alleged that APD Officers unlawfully and forcibly entered his home, interrogated his 11-year-old daughter without the presence and consent of an adult, and subsequently searched his dwelling without authorization.

Board Member Santos reviewed the OPS investigation conducted by Detective Hillary Nostrant. Detective Nostrant resolved the allegation of forced entry as “exonerated,” where the acts which provide the basis for the review show that such acts were proper. Detective Nostrant stated that the officers needed to enter the house to check for any possible victims due to responding to a call of “Shots Fired” at the location and observing shell casings on the street and bullet holes welled into the siding of the residence. Detective Nostrant resolved the allegation of questioning a minor without the consent of a parent as exonerated, stating that officers asked the complainant’s daughter direct, pertinent questions regarding the incident once contact was made inside the home.

Board Member Santos concurred with Detective Nostrant’s findings, stating that the call ticket, witness interviews, and body-worn camera footage corroborate the perception of danger in the immediate, surrounding area, thus justifying the officers’ entry into the dwelling. Board Member Santos noted that it was unclear who authorized the officers’ entry into the residence.

Board Member Santos reviewed an additional allegation which was not addressed by OPS. The complainant reported that upon being informed by his daughter of what had occurred, he went to South Station and requested to speak with a sergeant and receive an incident report. The complainant alleged that the officer he encountered (badge number 362, later determined to be Patrol Officer Adam Travis) informed him that the sergeant was busy and provided him with a memo to inform him of the process of obtaining a copy of the incident report and how to file a complaint.

Board Member Santos has sustained this allegation of improper Complaint Procedures involving Officer Travis. Board Member Santos noted that APD General Order 2.4.05 Complaint Procedures (1)(A)(4) requires on-duty supervisors to document community complaints and to explain the complaint process to community members in a professional manner: “courteous, non-argumentative manner which is not defensive and does not question the validity of the complaint.” Board Member Santos observed that the sergeant on duty was the same sergeant who was the supervisor in charge of the incident at the complainant’s home, Sergeant Nathaniel Pendleton. From the available evidence, it does not appear that Officer Travis made attempts to contact any supervisor or someone who could have properly answered the complainant’s questions. Although Officer Travis provided the complainant with a memo indicating how to obtain a copy of the incident report and how to file a complaint, his response and failure to immediately contact the on-duty sergeant was a violation of APD General Order 2.4.05 Complaint Procedures.

Board Member Santos also expressed concern that, while there is no policy requirement for APD officers to have performed a “courtesy call” to the complainant, it was distasteful and troubling that officers would break the window screen, enter the home, search the house, and conduct a short interview with an 11-year-old child without notifying the parent of what had occurred at his home. Board Member Santos stated that the child provided her father’s phone number to the officers and

that taking the time to contact him would have been reasonable and consistent with community policing.

Vice Chair Harden inquired about whether APD has a policy in place concerning questioning of a minor in the absence of a parent or guardian. Board Member Santos stated that she reviewed APD General Orders for references to children/minors and found that the policy does not specify whether officers have a duty to follow up with a parent or guardian. OPS Detective Hillary Burns stated that the minor was not interrogated, but that she was asked her name, her father's name, and other questions pertinent to the situation. Board Member Collins-Hackett inquired about whether there is a threshold between simply asking for identifying information and collecting pertinent information related to an incident and an interrogation or questioning of a witness or minor. In particular, Board Member Collins-Hackett inquired about whether there is a way to identify what questions are appropriate or not appropriate to ask in a given context. Board Member Levendosky and OPS Detective Burns clarified that, based on the information received from the child that this would not qualify as an interrogation or questioning. Board Member Levendosky stated that, in this context, it could be reasonable to add to APD policy a requirement that a parent or guardian be notified and/or an officer would not leave the vicinity until a homeowner or parent/guardian arrived. Levendosky noted that other jurisdictions may have such a policy.

Chair Vives echoed board members' concerns that officers entered the home and did not contact the parent or guardians, noting that while APD policies were followed, the lack of contact with the parent/guardian indicates a failure of care and trust for the community. Chair Vives suggested developing a policy recommendation with the consultants at Moel Lah Fakhoury.

The CPRB's findings are as follows:

- With regards to **1 count** of allegation of improper **Call Handling**, the CPRB reached a finding of **Exonerated**.
- With regards to **1 count** of allegation of improper **Abuse of Authority & Procedure**, the CPRB reached a finding of **Exonerated**.
- With regards to **1 count** of allegation of improper **Complaint Procedures**, the CPRB reached a finding of **Sustained**.

Board Member Santos made a motion on the findings. Chair Vives asked for a seconding of Board Member Santos' motion. Motion seconded and passed. The voting results are as follows: six members (Vives, Harden, Collins-Hackett, Levendosky, Person, and Santos) voted affirmatively.

VI. CASE UPDATES

CC2022-027

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

Allegation(s): Call Handling (1ct)

The incident occurred on August 27, 2022. The complainant attempted to leave a house that she was staying in but other residents in the home were not allowing her to retrieve her belongings, and she subsequently contacted the police for assistance. 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. The complainant had also requested assistance with transport to her parents' home in East Greenbush, but the officers responded that they could not drive her to a location outside of

the City of Albany. The complainant later returned to the property and was assaulted by one of the residents.

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

At the July 11, 2024, Public Monthly Meeting, the CPRB reached a finding of exonerated with regards to 1 count of alleged improper Call Handling. Questions were raised at the meeting about why the complainant was referred to as “emotionally disturbed” in the investigation report and evidence related to the complaint, what factors lead to dispatchers or APD officers to label an individual as “emotionally disturbed,” and whether it was within APD policy for officers to transport an individual to another location. At the meeting, CPRB members voted to add a discourtesy violation, which would be tabled until the policy regarding transportation could be clarified.

Board Member Collins-Hackett reported that he had requested information from OPS about what criteria is used to designate an individual as an “emotionally disturbed person.” OPS Detective Raven Dixon sent OPS’s classifications, which are being reviewed. Chair Vives requested that Board Member Collins-Hackett follow up with OPS about whether APD officers can provide transport.

CC2023-001

(A. Santos)

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

The incident occurred on October 21, 2022. The complainant alleged there had been a lack of urgency, care and professionalism exhibited by APD dispatch staff in response to several calls made that night after the complainant observed an unknown man situated within her parked vehicle. Dispatch informed her that all available officers were engaged in another incident, but she elected to await their arrival. The complainant asserted that despite her efforts to attract the attention of a sheriff’s vehicle and an APD 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 maintained that law enforcement displayed dismissiveness, lacked promptness in addressing her situation, and treated her as a peripheral concern. The complainant expressed the belief that a more empathetic and professional approach could have been adopted. The complainant expressed appreciation towards Officer Day and his partner for addressing her concerns with compassion upon their arrival.

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.

At the July 11, 2024, Public Monthly Meeting, 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. During the discussion, Board Members expressed concerns about lack of clarity about how report calls and crimes-in-progress are prioritized. Board

Member Santos questioned why the transfer of the complaint from APD Chief Hawkins to OPS and the CPRB took so long. Board Members voted to table the motion on the CPRB's findings until information concerning APD policies relevant to the complaint were received by the Board.

During the update, Board Member Santos shared that she requested information about how crimes-in-progress are prioritized. She received clarification from OPS Detective Burns that most calls could be considered a crime-in-progress, but there are different priority levels (Priority Level 1, 2, 3). Board Member Santos had also asked whether APD has a policy concerning when an APD officer is flagged down by a civilian and if there are situations in which they would not stop. OPS Detective Burns explained to her that there is no existing APD policy with regards to an officer being flagged down by a civilian.

VII. CONSIDERATION OF COMPLAINT CLOSURE

Chair Vives reported that the Board received two complaints that were determined to be outside of the Board's jurisdiction. The complaints were received on July 1, 2024, and August 7, 2024. Chair Vives clarified that any complaints involving law enforcement agencies that are not the Albany Police Department are outside of the Board's jurisdiction.

Chair Vives made a motion to close the complaints received on July 1 and August 7. Motion seconded and passed. The voting results are as follows: six members (Vives, Harden, Collins-Hackett, Levendosky, Person, and Santos) voted affirmatively.

VIII. COMMITTEE REPORTS

COMMUNITY OUTREACH

(P. Collins-Hackett)

Board Member Collins-Hackett reported that the committee will continue to partner and table at community provider events as they emerge, including a community engagement event at Albany High School. In addition, Board Member Person will be tabling at the Mississippi Day community event on September 21, 2024.

BYLAWS AND RULES

(A. Santos)

Board Member Santos reported that the committee was unable to meet this month but will resume meetings. Former CPRB Program Manager Michele Andre had provided Board Member Santos with potential proposals to consider.

INVESTIGATION

(J. Levendosky)

Board Member Levendosky reported that APD currently has 72 open complaints, with 63 under investigation by OPS and 9 under review by the CPRB. The Board reviewed 11 cases during this meeting.

POLICE DEPARTMENT LIAISON

(V. Harden)

Dr. Harden reported that the committee was unable to meet this month but will resume meetings in October.

MEDIATION

(V. Collier & V. Harden)

No report.

PUBLIC OFFICIAL LIASON

(N. Vives & J. Levendosky)

Chair Vives reported that during the Mediation Committee meeting on August 27, OPS Commander Morey stated that APD will be conducting focus groups concerning mediation. Chair Vives offered assistance.

Chair Vives noted that there was an issue with Board Member stipends that has been resolved.

Chair Vives reported that Local Law D was passed by the Albany Common Council and signed by Mayor Kathy Sheehan. Local Law D will enable the CPRB to transition to being staffed by the City. Chair Vives stated that there was no update on office space, but that the City engineering team is working to identify a location for the Board.

Chair Vives reported that the Board is awaiting an update about Mayoral appointees. She stressed the importance of full board membership. Councilmember Tom Hoey and Common Council staff Jake Eisland had indicated that they would share the request with the Mayor's office.

Chair Vives reported that the Board is awaiting an update from the APD Chief of Police concerning proposed changes to the Discipline Matrix.

OPS Detective Lieutenant John Rittie confirmed that he has calendar invitations for meetings moving forward.

GOVERNMENT LAW CENTER

(M. Andre & C. Miller)

Chair Vives reported that CPRB Program Manager Michele Andre has departed the Government Law Center to serve as the next Director and Police Monitor of the Office of Community Police Oversight in Dallas, TX. Ms. Andre joined the meeting by Zoom to give her well wishes to the Board. Board Members bid Ms. Andre an emotional farewell.

Government Law Center Program Director Chel Miller reported that GLC staff will be supporting the day-to-day operations of the Board. Mx. Miller will be staffing Public Monthly Meetings and Committee Meetings going forward. GLC Coordinator Tamar Reiner will serve as the point-of-contact for Board Members, APD, and community members.

IX. APPROVAL OF MEETING MINUTES

(N. Vives)

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

X. NEW BUSINESS

(N. Vives)

Chair Vives welcomed new Board Member Milton M. Arroyo, who was appointed by the Common Council on September 5, 2024.

Chair Vives reported that the CPRB's City website has been updated to include the Community Resource Guide, Frequently Asked Questions (FAQ) document, and Board Members' vacancy and term information.

Chair Vives also reported that the CPRB's Community Resource Guide and FAQ documents have been translated into the following languages:

- Spanish
- Arabic (Modern Standard Arabic)
- Pashto
- Sgaw Karen
- Chinese (traditional)
- Chinese (simplified)

XI. ADJOURNMENT

(N. Vives)

There being no further business, the meeting was adjourned at 8:13 pm.